GENERAL RULES

AND

CIRCULAR ORDERS

OF THE

HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL

(APPELLATE SIDE, CRIMINAL).

CALCUTTA:
OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING.
1881.

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3729

HIGH COURT,
APPELLATE JURISDICTION.

ALL Criminal Circular Orders made and issued by the Nizámat Adálat, or by the High Court, previous to the 1st February last, are hereby cancelled, and in lieu thereof the General Rules and Circular Orders contained in this volume are prescribed for observance by all Criminal Courts subordinate to the High Court.

By Order, &c.,

J. CRAWFURD,
Registrar.

FORT WILLIAM,
The 1st March 1881.

CALCUTTA:
PRINTED AT THE GOVERNMENT CENTRAL PRESS,
8, HASTINGS STREET.

PREFACE.

THE following pages contain, in a codified form, all the Criminal Rules and Orders of the High Court (including those of the late Sudder Court) which have not been specifically cancelled, or omitted by express order.

The procedure adopted by me, in making a collection of the extant Rules and Orders, has been as follows :—

I have gone carefully, and more than once, through the complete files, kindly lent me by the Registrar for the purpose, omitting only those orders which have been expressly cancelled, and making a collection of the remainder. This, with respect to the Rules and Orders of the (present) High Court.

The circulars of the late Sudder Court have been similarly collected from the editions of Messrs. Carrau and Ledlie, there being no complete chronological file of these obtainable.

I have further consulted the editions of Mr. (now Mr. Justice) Field, and of Mr. Geddes.

These collections of Rules and Orders, from 1799 up to date, were then submitted to Mr. Justice Maclean and Mr. Justice Field, under whose directions a considerable number were eliminated as being either obsolete or unnecessary. I have not (intentionally) omitted one single circular on my own authority.

The arrangement of the circulars into chapters and under the various headings has been made under the instructions of Mr. Justice Field. The more recent circulars, issued during the vacation and in Mr. Justice Field's absence from Calcutta, have been classified according to the Hon'ble Judge's scheme, and under the supervision of Mr. Justice Maclean.

As several instances occur in which the same subject is dealt with in different chapters, according to the nature of the orders issued, I have endeavoured to make the Alphabetical Index, as well as the Table of Contents, as copious as possible.

C. A. WILKINS.

CALCUTTA,
The 1st February 1881.

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BENGAL SECRETARIAT LIBRARY.

CHAPTER I.[1]

GENERAL RULES

FOR

KEEPING BOOKS, ENTRIES AND ACCOUNTS[2] TO BE KEPT IN ALL CRIMINAL COURTS SUBORDINATE TO THE HIGH COURT (CLAUSE 1, SECTION 292 OF THE CODE OF CRIMINAL PROCEDURE).

1. [*Section 144, C. C. P.—Rules for receiving complaints—Register of complaints—C. O. No. 5A of 7th September 1868.*]—Complaints should be received at a fixed hour each day, and should be immediately numbered in the order of their receipt. They should then be entered in a book to be kept in the form annexed. This book should be kept under the special control of the Magistrate himself.

Register of Criminal Complaints.

Serial No. for month.	Date.	Name of Complainant.	Thanah.	Offence charged, and under what section of what law.	Orders passed.	Remarks.

[1] Subjects falling under this Chapter are arranged in the order of the Sections of the Code of Criminal Procedure.

[2] For the Account Rules, *vide* Code of Civil Rules and Orders, Chapter III.

2. [*Chapter XX, C. C. P.—Register of Appeals—C. O. No. 4 of 25th February 1873.*]—The following Register of Appeals shall be maintained in all Appellate Courts :—

Register of Appeals.

No.	Name of appellant.	Date of filing appeal.	From whose orders appeal preferred.	Abstract of orders passed.	Final order passed.

3. [*Section 292, C. C. P.—Certain Registers to be maintained in the District Magistrate's Court—C. O. No. 4 of 25th February 1873.*]—The following Registers shall be maintained in the Court of the Magistrate of the District :—

Record-keeper's Register of Criminal Cases.

1	2	3	4	5	6	7	8
No. of cases.	Nature of case, that is, whether bailable or non-bailable.	Names of parties.	The crime or offence charged.	Thanah.	Month and year.	Final order.	Record-keeper's Remarks.
							Placed in Rack No. 1, Bustah No. 4.

Register of References from other Districts.

No.	Name of district.	Date of receipt of Reference.	Substance of Reference.	Substance of order passed.	Final order passed.

Register of Miscellaneous Matters.

No	Names of parties.	Date of filing.	Substance of matter.	Substance of order and under what Law.	Final order.

4. [*Section 292, C. C. P.—Daily Register of Court Fees realized in Criminal Courts—C. O. No. 23 of 22nd December 1877.*]—The annexed form of Daily Register of Court Fees realized, which has been prescribed for adoption by the Government of India, shall be maintained in all Criminal Courts subordinate to the High Court:—

Daily Register of Court Fees realized in the

Date.	Process Fees.		Other fees.		Total.		REMARKS.
	Rs.	A.	Rs.	A.	Rs.	A.	

The entries in this Register are not to be made in detail, but only so as to show the total daily receipts from process fees and other fees. The entries should be initialled daily by the presiding officer.

5. [*Section 292, C. C. P.—Register of convictions—C. O. No. 5 of 5th July 1865.*]—(*a*) For the purpose of enabling Magistrates to ascertain whether parties charged before them have been previously convicted of any of the offences for which enhancement of punishment is provided, on a second or subsequent conviction, by section 75, Act XLV of 1860 (Penal Code), and section 4, Act VI of 1864 (Whipping Act), and for purposes of general statistical information, Registers shall be maintained in Magistrates' offices in the following form :—

Name of the prisoner (including his *alias*, if any.)	Name of his father.	His residence.	Profession or trade.	Caste.	Age or supposed age.	Height.	Personal marks, such as squint, lameness, loss of limb, permanent scars, &c.	Of what offence convicted.	Date of conviction.	Sentence passed.	Previous conviction.	Remarks.

1. Offences relating to coin and Government stamps (Chapter XII, P. C.).
2. Offences against property (Chapter XVII, P. C.).
3. Giving or fabricating false evidence (secs. 193 to 195, P. C.).
4. Falsely charging any person with having committed an unnatural offence (secs. 211 and 377, P. C.).
5. Assaulting or using criminal force to any woman with intent to outrage her modesty

(*b*) These Registers shall contain the names of parties convicted of any of the crimes specified in the margin, and shall be in the language and character in use in the District Courts, varying according to the vernacular of the district. Every conviction, as sentence is passed, must be entered in the office of the Magistrate of the district by the officer whose duty it is to keep the *Register of Convictions.* In cases committed to the Sessions, the entry shall be made on sentence being passed by the Sessions Judge. If a prisoner be released on appeal, whether by the Judge or by the Magistrate, a note should be made in the column of remarks giving

the date and purport of the order of the Appellate Court.

(sec. 354, P. C.)
6. Rape (sec. 375 P. C.).
7. Unnatural offences (sec 377, P. C.).
8. Forgery (secs. 465, 466, 467, 468, 469, P. C.).
9. Culpable homicide (sec. 304).
10. Causing grievous hurt (secs. 325 and 326, and 329, 331, 333, 335, 338).

(*c*) Similar Registers shall be kept up in the same manner by Sub-divisional Officers regarding the offences specified which may have been committed within their respective jurisdictions, and for which any persons may have been convicted. These officers should report to the Magistrates the entries of the past month regularly at the commencement of each successive month for incorporation in the general District Register.

(*d*) To ensure the proper preparation and keeping up of the Register, the Magistrate or other magisterial authority in charge shall require the officer, whose duty it is to prepare it, to bring the Register for his inspection and signature at least once every week.

(*e*) At the close of the year an alphabetical Register of the parties convicted within the twelve months should be made for facility of reference; and at the close of every fifth year, an alphabetical Register should be prepared from the alphabetical Registers of the previous five years.

(*f*) When a prisoner has been convicted more than once, a note to that effect should be made against his name in the Register opened for that purpose.

(*g*) [*C. O. No. 10 of 3rd September 1878.*]—As it is desirable to keep this Register in as compact a form as possible, and to save the trouble of re-copying, all Registers should be written in printed forms of uniform size, so that the sub-divisional returns may be added to

the Magistrate's Register as they come in. The general Register should be paged and stitched as a book at the close of the year when the annual alphabetical index is made, and at the end of five years the Registers for the previous five years with the general index should be bound together, the whole being re-paged.

(*h*) [*C. O. No. 10 of 3rd September 1878.*]—A Certificate in the form subjoined shall be annexed to the Quarterly Statement A,[1] and shall be signed by the Magistrate of the District, except when he is on tour, in which case it may be signed by the officer for the time being in charge of the Head-quarters' Office.

FORM OF CERTIFICATE.

I certify that I have inspected the Register of Criminals convicted of heinous offences prescribed by the High Court General Rules, Chapter I. 5 (*a*), and that it has been duly written up, and that the returns from Sub-divisional Offices for the three months of the quarter of 18 have been received and incorporated.

Magistrate of the District.

(*i*) [*C. O. No. 11 of 1st November 1878*].—Persons convicted of offences which are not punishable with whipping, or with imprisonment for a term of three years or upwards, shall not be entered in the "Register of convictions," although the charge may have been one falling under Chapter XII or XVII of the Indian Penal Code.

6. [*Chapter XXIII, C. C. P.—Register of Warrants of Imprisonment how to be maintained and in what form—C. Os. No. 167 of 15th May 1835, No. 11 of 1st October 1866, and No. 1 of 11th January 1871.*]—The following

[1] *Vide* pp. 26—28.

Register of Warrants of Imprisonment shall be maintained in every Criminal Court:—

Register of Warrants of Imprisonment.

1	2	3		4	5			6
Name of person sentenced.	Date of sentence.	Term of imprisonment, where the sentence is imprisonment.		Date of expiration of sentence.	Warrants when received back from Officer in charge of Jail.			REMARKS.
		Years.	Month.	Date and year.	Month.	Date.	Year.	

NOTE.—In this Register prisoners should be entered *under the year in which their sentences expire.* Prisoners sentenced to death or to imprisonment for life should be entered *in the year in which they are sentenced.* Warrants must be returned by the Officer in charge of the Jail, when completely executed, with an endorsement to that effect on the reverse.

7. [*Chapter XXIV, C. C. P.—Register of Attendance of Witnesses—C. O. No. 14 of 7th April 1879.*]—The following form of Register of the attendance of witnesses is prescribed for use in the Criminal Courts of the Lower Provinces of Bengal and Assam.

The instructions at foot show the manner in which it is intended that the Register should be prepared.

Register of the Attendance of Witnesses in the Civil and Criminal Courts.

Serial No. of witness.	Name of witness.	Register number of case and names of parties.	First appearance.		Second appearance.		Third appearance		Total number of days in attendance at Court.								Examined or not.	Initials of presiding officer.	Amount paid as expenses.	Receipt of witness.
			Date of attendance.	Date of discharge.	Date of attendance.	Date of discharge.	Date of attendance.	Date of discharge.	One day.	Two days.	Three days.	Four days.	Five to seven days.	Eight to fifteen days.	More than fifteen days.					
	*																			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16		17	18	19	20

INSTRUCTIONS.

This Register shall show all witnesses, including complainants in the Criminal Courts, who attend for the purpose of being examined in any case. A witness will be considered to have appeared on any day if he attends sufficiently early to allow of his deposition being recorded.

Columns 1 to 4 shall be filled in daily for every witness reported to be in attendance for the first time, column 5 shall be filled in when the witness is discharged for the first time, and columns 6 to 9 as may be necessary on account of the subsequent re-appearance and discharge of the same witness from time to time until the case is terminated. If any witness re-appears after being three times discharged, a new series of entries in red ink must be made in columns 4 to 9 against his name immediately under the previous entries.

Columns 10 to 18 shall be filled up when the witness is finally discharged, the initials of the presiding officer being intended to vouch for the correctness of the entries.

The number of days to be entered in columns 10 to 16 shall be calculated by reckoning the total number of days elapsing between each successive appearance and discharge, including the days on which these occurred.

In column 17 a distinctive mark should be made to show those witnesses who were finally discharged without examination, in order to assist in the preparation of the Annual Returns.

Any amount paid as expenses to witnesses should be entered in column 19, and, if the payment be made in Court, the witnesses' receipt should be taken at the time of payment in column 20.

8. [*C. O. No. 40 of 10th December 1880—Courts Register of practitioners enrolled and practising therein.*] —There shall be maintained in each of the Subordinate Criminal Courts a Register, in the following form, of all pleaders and mukhtars enrolled in it under section 8 of the Legal Practitioners Act, XVIII of 1879.

Register of_____enrolled in the Court of the_____at_____.

1	2	3	4	5	6	7
Number in the High Court's Register and year of admission.	Name and Degree, if any.	Father's Name.	Place where practising.	Value of stamp on certificate.	Date of last renewal.	REMARKS.

NOTE.—The district in which a practitioner was originally enrolled should always be stated in the column of remarks when he obtains enrolment in another district.

N. B.—In preparing this return, the names should be arranged in the order in which they stand in the High Court Registers, with a view to facilitate the checking of the return in the office of the High Court (*G. L. No. 16 of 14th December* 1880.)

CHAPTER II.

GENERAL RULES

FOR THE

PREPARATION AND TRANSMISSION OF CALENDARS AND STATEMENTS TO BE PREPARED AND SUBMITTED BY THE CRIMINAL COURTS SUBORDINATE TO THE HIGH COURT (CLAUSE 2 OF SECTION 292 OF THE CODE OF CRIMINAL PROCEDURE).

ANNUAL REPORTS.

1. [*Instructions regarding Annual Reports—C. O. No. 5 of 14th October 1879.*]—(*a*) Sessions Judges and District Magistrates shall submit to the High Court, along with the Annual Statements, a Report for the year, to which they refer, upon the Administration of Criminal Justice. The forms numbered 17 to 26[1] shall be incorporated in their Reports by Sessions Judges, and those numbered 15 to 26[1] in their Reports by District Magistrates. Much difficulty has been hitherto caused by the neglect of Sessions Judges to secure a correspondence between the figures given in the Tables in the body of their Reports and those contained in the Annual Statements submitted by them. Those Officers and District Magistrates are expected in future to see that no such discrepancies occur.

(*b*) The Court does not consider it necessary to prescribe the use of any particular form of Report; but the Report, in whatever form, should contain such remarks as suggest themselves on a consideration of the figures entered in the statements. Any great variation between

[1] *i.e.* of the Annual Statements (*vide* Forms of Periodical Statements, pp. 16 and 17).

the results exhibited for the year under report and for the previous year should receive notice and be explained, if possible.

(*c*) Amongst other matters, the following must be noticed in the Report:—

The condition of the record-room, which must be ascertained by careful personal enquiry, and not from the mere report of the record-keeper.

The extent to which effect has been given to the rules regarding the arrangement of the records in the course of the trial and to the rules regarding the destruction of useless records.

The working of the rules under the Court Fees' Act.

The effect of recent legislation on the working of the Criminal Courts.

(*d*) Reports are not now required on the character, qualification, and official merits of the several subordinate Magisterial Officers. This is not, however, to debar District Magistrates or Sessions Judges from recording in their Administration Reports any instance of special and distinguished merit on the part of any officer which they consider deserving of special mention and which may entitle the person indicated to the favourable notice of the Court or of Government.

STATEMENTS.

2. [*General instructions regarding Periodical Statements—C. O. No. 5 of 14th October 1879.*]—(*a*) The forms of Periodical Statements, entered in the list annexed,[1] are prescribed for adoption in future by the Criminal Courts shown against each. On the forms themselves some instructions for observance will be

[1] *Vide* pp. 16 and 17.

found, and the following general instructions are also issued, in order to secure the correct and uniform preparation of the Statements.

(*b*) When possible, printed forms should be used for the preparation of Periodical Statements. The practice of extending the printed forms by pasting sheets of paper on to them should be avoided. As many separate printed forms as may be necessary to contain the information required should be used.

For reports and explanations, where these have to be separately written, foolscap paper should be used.

When a Statement is blank, it should not be submitted, a note to that effect being sufficient.

(*c*) Where the figures given in any return differ from those given for the same period in any returns previously submitted, explanation should always be offered to avoid the necessity for a reference in the matter. Much correspondence will also be rendered unnecessary if, before submission, figures entered in the Annual Statements are compared with those in the Court's printed Report for the previous year.

(*d*) Officers having work in more departments than one should always note in their returns how their time was apportioned between the various departments. This is necessary to enable the Court to judge whether the work done is sufficient, and to admit of the officer's salary being correctly apportioned in the annual returns between the various departments.

(*e*) Monthly and Quarterly Statements should be despatched by Subordinate Courts to the District Magistrate on or before the 3rd of the month next succeeding the period to which they relate, and Annual Statements on or before the 15th day of the new year.

(*f*) Quarterly Statements should be submitted by

District Magistrates and Sessions Judges to the High Court on or before the 15th of the month next succeeding the period to which they relate, and Annual Statements along with the Annual Report on the Administration of Criminal Justice on or before the 15th February of each year. The punctual despatch of correct statements is an important duty, the neglect of which will not be overlooked by the Court.

The periodical statements have now been brought into accordance with each other as far as possible, and if due attention is given, during the course of the year, to the collecting of materials for the Annual Statements, the delay of which the High Court Judges has had so frequently to complain, should not occur in the preparation of these returns in a correct form.

(*g*) It is not intended that any case should be entered in the returns as received or disposed of by transfer, unless the transfer was from one district to another, or from one kind of Court to another,—as, for example, from a Civil or Revenue Court under section 436 of the Criminal Procedure Code. A note should always be made in the column of remarks of the number, if any, of cases and persons transferred to, or received from, places outside the jurisdiction of the High Court, as this information is required in order to the compilation of the returns for the whole Province.

(*h*) The columns headed "Referred" and "Received on Reference" are meant to exhibit cases in which an enquiry or trial has been held, and the proceedings of the Court are submitted for confirmation by, or the orders of, a higher tribunal; for example, cases submitted by Subordinate Magistrates under sections 46 and 504, by Deputy Commissioners under section 36, by District Magistrates, &c., under section 507, by Assistant Session

Judges under section 18, by Sessions Judges under sections 263 and 287 of the Criminal Procedure Code. Mere references for trial under section 141 are not to be entered in these columns, nor in the columns exhibiting transfers. Cases are to be entered against the Court which decided them, and not against the Court which may have merely received the complaint.

(*i*) A case is regarded as coming on the file of the receiving Court from the date of commitment, reference, or order of transfer. As the annual returns of the District Magistrate will not now be submitted to the Court through the Sessions Judge, it is necessary, in order to avoid correspondence, that the former officer should report to the latter, as soon after the close of the year as possible, the number of persons to be entered in the district returns as committed or referred to the Court of Session.

(*j*) Cases of the kind alluded to above, in which the proceedings of one Court are submitted for the confirmation or orders of another, will, like cases committed to the Sessions, find entry in the returns of both Courts. The persons concerned will appear in the returns of the referring Courts, not as convicted, but as "referred." In the returns of the Courts receiving the references they will be shown as convicted, acquitted, &c., according to the result of the reference in each case, or as "pending," if orders have not been passed on it.

(*k*) Annual Statement No. 2 is intended to show the final results of trial, and it is, therefore, necessary that the Magistrates who have to prepare it should be apprized of the results of commitments to the Courts of Session. Section 302 requires Sessions Judges to forward to the District Magistrate a copy of the finding in each case. They shall also, at the close of each

Sessions, return to the Magistrate of the District concerned the calendar of accused persons submitted by him, after filling up column 9, so as to show the orders of the Court of Session passed with respect to each person entered in it.

(*l*) Apart from certain miscellaneous proceedings under the Criminal Procedure Code, the returns have reference to judicial work alone, the High Court having no supervision of police work in any shape. Appeals from orders of the District Superintendent of Police, which are heard by the Magistrate in his executive capacity, are to be excluded from the returns. So also are fines on ministerial officers for neglect of duty.

(*m*) No person who has not appeared personally or by agent in Court is to be included in the returns; but all persons who have appeared, whether in obedience to summons, warrant or other process, or voluntarily to answer a criminal charge should be shown as under trial. Persons discharged from bail taken under section 125, Act X of 1872, without appearing before a Magistrate, should not be entered in the returns. In calculating the duration of cases before the Magistrate, time must be counted from the date of the apprehension of the accused or of his appearance in Court, whichever was the earlier. In the Courts of Session, the time will count from the date of the commitment of the accused.

(*n*) District Magistrates are required to maintain a watchful and intelligent control over the proceedings of their subordinates, and to inform themselves thoroughly, from time to time, of the mode in which business is transacted by them. In particular, they are expected to secure circumspection in the issue of warrants and

summons, and to see that business is transacted with due despatch.

(*o*) Both Magistrates and Judges are required to see that the statements are prepared neatly as well as correctly, in respect of the entries made, and that they are not disfigured by slovenly or bad writing. When such defects occur, the statements will be liable to be returned..

(*p*) The column of remarks should contain the mention of any cases or particulars which do not appear to be fairly provided for in other columns, and should also contain brief explanations of any noticeable results appearing on the face of the returns, especially of such as, if unexplained, might lead to erroneous conclusions; in short, any comments which will tend to throw light upon the figures.

[*Forms of Periodical Statements prescribed for use by the Criminal Courts.—C. O. No. 5 of 14th October 1879.*]

Index numbers of forms.	Subject of Statements.	By what Courts to be prepared and submitted.	To what Courts to be submitted.	REMARKS.
1	Notice of commitment . .	Committing Officers .	Sessions Judge through the District Magistrate.	
2	Calendar of accused persons for trial before the Court of Session.	District Magistrates .	Sessions Judge.	
3	Statement of accused persons tried or brought before the Court of Session.	Sessions Judges .	High Court.	
		MONTHLY.		
4	State of the files in the Courts of the Magistrates.	Subordinate Magistrates.	District Magistrates.	
		MONTHLY AND QUARTERLY.		
5	Statement of persons tried and of cases disposed of in the Courts of Subordinate Magistrates.	Subordinate Magistrates.	District Magistrates.	
		QUARTERLY.		
6	Business statement for Magistrates' Courts.	District Magistrates	High Court.	
7	Business statement for Courts of Session.	Additional Sessions Judges.	Sessions Judges.	
		Sessions Judges .	High Court.	

Index numbers of forms.	Subject of Statements.	By what Courts to be prepared and submitted.	To what Courts to be submitted.	REMARKS.
		ANNUAL.		
8	List of Judicial Divisions, &c.	Additional Sessions Judges. Sessions Judges. District Magistrates.	Sessions Judges. High Court.	
9	Statement of offences reported and persons convicted, &c.	Subordinate Magistrates. District Magistrates.	District Magistrates. High Court.	
10	Statement of miscellaneous cases under Act X of 1872.			
11	Statement showing the result of trials before the Criminal Courts.			
12	Statement showing the punishments inflicted by the Courts of Original Jurisdiction.	Subordinate Magistrates. Additional Sessions Judges.	District Magistrates. Sessions Judges.	
13	Statement showing the result of appeals and applications for revision in criminal cases.	Sessions Judges. District Magistrates.	High Court.	
14	Statement showing the use of Juries and Assessors in the Criminal Courts.			
15	Statement showing number of offences reported, complaints rejected, cases struck off as false, and cases returned as true.			Statements 15 to 26 will be incorporated by District Magistrates in their Annual Reports, and Statements 17 to 26, by Sessions Judges in their reports.
16	Comparative table of cases brought to trial and of persons convicted or discharged and convicted, and the percentage convicted.	District Magistrates.	High Court.	
17	Comparative table showing number of cases brought to trial, disposed of and pending.	District Magistrates Sessions Judges.	High Court.	
18	Table showing number of persons under trial in Magistrates' and Sessions Courts, and the result of trials.			
19	Comparative table showing number of witnesses examined and discharged without examination and the amount paid as expenses.	Subordinate Magistrates.	District Magistrates.	
20	Table showing detention of witnesses.	District Magistrates.	High Court.	
21	Comparative table showing amount of fines imposed and the amount realized and paid away by way of compensation.	Sessions Judges.		
22	Comparative table showing number of appeals (cases) preferred, disposed of and pending.			
23	Table showing the result of appeals.			
24	Comparative table showing number of applications (cases) for revision, preferred, disposed of and pending.	District Magistrates. Sessions Judges.	High Court.	
25	Statement showing result of applications for revision.			
26	Comparative table showing receipts and charges of Criminal Courts and results.			

3. [*No statements to be discontinued without order—G. L. No. 5 of 9th March 1877.*]—No Statement in use by authority of the High Court may be discontinued without an express order of such Court.

MONTHLY STATEMENTS.

4. [*Instructions—C. O. No. 5 of 14th October 1879.*]—(*a*) Subordinate Magistrates shall submit monthly to the District Magistrate a Statement of Summary Trials and a statement of Pending Files; from these the District Magistrate will compile a General Statement[1] for his District, which he will forward to the High Court. Subordinate Magistrates are required to submit monthly to the District Magistrate explanations of the cause of delay in the disposal of cases pending more than one month. The District Magistrate will forward to the High Court explanations regarding cases pending more than three months only, together with a copy of any orders which he may have passed with regard to these cases on previous Monthly Statements. In case the number of persons awaiting trial before any Magistrate for more than two months is unusually great, explanation should in like manner be given.

(*b*) Subordinate Magistrates shall also submit to the District Magistrate, monthly, a General Statement[2] of the business coming before their Courts. These Statements for the first two months of each quarter shall contain the figures for one month only; for the third month they shall contain the figures for the whole quarter.

[1] Monthly Statement B No. 4, p. 19.
[2] Monthly (and Quarterly) Statement A, No. 5, pp. 20, 21.

No. 4.

MONTHLY STATEMENT B.

State of the Files in the Courts of the Magistrates in the District of *at the close of*

Designation and Powers of Magistrates or Benches.	Pending.		Details of column 3-1 Number of persons.					Of the persons entered in columns 5 to 8, under trial.					Remarks and explanations as to the number of cases pending or time of pendency.
	Cases.	Persons.	Criminal lunatics.	Others.				Over 6 months.	Over 3 months.	Over 2 months.	Over 1 month.	Not exceeding 1 month.	
				In custody.	On bail.	On recognizance.	Otherwise.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Total . .													

No. 5.

MONTHLY AND QUARTERLY STATEMENT A.

PART I.

Showing the number of persons tried, convicted, and acquitted, and of cases brought to trial, disposed of, and pending in the Court of during the month of 18 .

(*Vide* instructions on Annual Statement 4.)

Designation and Powers of Magistrates or Benches.	Number of persons							Number of cases			Number of working days employed in the Criminal Department.	Remarks
	Under trial during the month.	Died, escaped, transferred.	Discharged or acquitted.	Convicted.		Committed or referred.	Remaining under trial.	Brought to trial during the month.	Disposed of during the month.	Pending at the close of the month.		
				On regular trial.	On summary trial.							
1	2	3	4	5	6	7	8	9	10	11	12	13

No. 5. MONTHLY AND QUARTERLY STATEMENT A.

PART II.

Statement of persons concerned in cases decided under the miscellaneous provisions of the Code of Criminal Procedure during the month of 18 .

(*Vide* instructions on Annual Statement 3).

Designation and Powers of Magistrates or Benches.	Frivolous or vexatious complaints summarily dealt with under Chapter XVI, section 209.	Proceedings against witnesses under Chapter XXVI.	Forfeiture of bail or recognizance under Chapter XXVIII.	Contempts of Court under Chapter XXXII.	Proceedings under Chapter XXXVII to prevent breach of the peace.	Proceedings under Chapter XXXVIII, Security for good behaviour.	Proceedings against local nuisances, Chapter XXXIX	Possession, Chapter XL.	Maintenance, Chapter XLI.	Remarks.
	Persons.	Persons.	Persons.	Persons.	Persons.	Persons.	Persons.	Cases.	Persons.	
1	2	3	4	5	6	7	8	9	10	11

SESSIONS STATEMENTS.

5. [*Instructions as to fixing Sessions—C. O. No. 5 of 14th October 1879.*]—(*a*) In the first week in December in each year the Sessions Judge shall fix the number of Sessions to be held during the year following, and the dates on which respectively they are to begin, the number varying with the estimated or average number of trials, and not being less than six or more than ten in each year, except in out-lying districts, where ordinarily the number should not be less than four. The arrangements made are to be immediately reported to the High Court for approval, but may be carried out, unless the disapproval of the Court be communicated.

(*b*) The Magistrate of each district shall obtain from all the Subordinate Magistrates, who exercise the power of committing to the Sessions, the particulars of all cases committed by them, and shall prepare and submit to the Sessions Judge two days before the commencement of each Session a Calendar of all such cases in the following form. This Calendar shall be the basis of the Sessions Judge's return to the High Court.

(*Form of District Magistrate's Calendar.*)

Calendar of accused persons for trial before the Court of Session

Session of 18

Number of case.	Committing Officer.	Number and name of accused.	Charges and under what Law.	Date of offence.	Date of apprehension or appearance to summons.	Date of commitment.	In jail or on bail.	Finding and sentence or other order of the Court of Session as regards each prisoner.
1	2	3	4	5	6	7	8	9

6. [*Form of Sessions Judge's Calendar—C. O. No. 5 of 14th October 1879.*]—After each Session the Judge shall submit to the High Court a statement in the following form, in which the case of every accused person awaiting trial at the commencement of the Session, or brought before the Court during the Session, shall be entered.

SESSIONS STATEMENT (TO BE SUBMITTED AFTER EACH SESSION).

Calendar of accused persons tried or brought before the Court of Session for the division of at the Sessions held in the month of 18 .

Serial number.	Name of each accused person.	Age or supposed age.	Offences—nature of	Date of				Verdict of Jury or opinion of Assessors.	Sentence passed.	Remarks.
				Offence.	Apprehension.	Commitment.	Sentence.			
1	2	3	4	5	6	7	8	9	10	11

7. [*Section 304 I. P. C.—In convictions for culpable homicide not amounting to murder Exceptions under Section 300 to be noted; and clause of Section 304 under which conviction had to be stated—C. O. No. 5 of 6th February 1863.*]—(*a*) Sessions Judges, in all cases in which they may convict of culpable homicide not amounting to murder, shall invariably mention in their remarks on the trial, within which of the Exceptions noted under section 300 of the Indian Penal Code the culpable homicide was held to come, so as not to amount to murder.

(*b*). Sessions Judges shall invariably record their opinion, whether the act, by which death was caused, was done with the intention of causing death,[1] or of causing such bodily injury as was likely to cause death[2]; or with the knowledge that it was likely to cause death, but without any intention to cause death, or to cause such bodily injury as was likely to cause death.

[1] Penalty, transportation for life, or imprisonment of either description for a term which may extend to 10 years and fine.

[2] Penalty, imprisonment of either description for a term which may extend to 10 years, or fine, or both.

8. [*Instructions as to the filling up of the Sessions Judge's Calendar—C. O. No. 5 of 14th October 1879.*]—(*a*) Cases shall be entered in the order of trial, so as to enable the Judge's clerk to place each case in the Statement at the conclusion of the trial. A separate index number shall be given to each trial and to each prisoner. The series of numbers shall be separate for each Sessions.

(*b*) Column 4 is meant to contain an abstract of the charge. Offences are to be stated as concisely as possible with the section of the Indian Penal Code or other law applicable. When a prisoner is charged with several offences and convicted of one only, the head of charge on which he has been convicted is to be indicated by red underlining.

(*c*) Column 9 should contain a statement whether the accused was tried with a jury or with assessors, and the verdict or opinion specifying whether such verdict or opinion was unanimous or, if not, the particulars of such difference. Where the trial was not with a jury, the opinions of the Assessors should be given concisely, so as to show the view of each. Any recommendation to mercy, or other special matter contained in the verdict of the jury, or opinion of the assessors, should also be stated in this column.

(*d*) In the column of remarks, Sessions Judges should state the ground of postponement when any trial

is postponed—the period of any solitary confinement awarded to any prisoner—the fact, if it be so, that the sentence passed on any prisoner is in addition to any other sentence in a different case passed at the same Sessions, or one which is to take effect on the expiration of another sentence which the prisoner may be undergoing—the opinion of the Judge regarding the verdict delivered by the jury, stating whether it had his concurrence, and whether he thought that the evidence in the case warranted the particular finding, with the reasons for any difference of opinion—and the grounds on which any person punishable with death has been sentenced to any punishment other than death (section 287, Code of Criminal Procedure)—the reasons which have prompted a specially light, or specially severe, sentence in any particular case—and generally any matter necessary to enable the High Court to exercise the power of revision vested in it by the 22nd Chapter of the Criminal Procedure Code.

QUARTERLY STATEMENTS.

9. [*Instructions for the preparation of the Quarterly Statements—C. O. No. 5 of 14th October 1879.*]—(*a*) With the figures submitted by their subordinates, District Magistrates shall compile a general statement[1] for the whole district and submit it to the High Court.

(*b*) Sessions Judges shall also submit quarterly to the High Court a statement[2] showing the result of commitments to the Court of Session and of appeals and applications for revision made to them. The Additional Sessions Judge, if any, will furnish a similar return[2] for his own Court to the Sessions Judge, who will exhibit the figures separately in his return.

NOTE.—In the Quarterly Criminal Statements, columns headed "Brought to trial" or "Preferred," unlike those headed "Under trial" or "Total dealt with," are intended to show only cases brought to trial, or appeals or applications filed during the period to which the return relates, and are not intended to include cases pending at the commencement of such period.—(*G. L. No. 3, dated 4th February 1880.*)

[1] Quarterly Statement A, Parts I, II and III. Form No. 6, pp. 26—28.
[2] Quarterly Statement B, Parts I and II. Form No. 7, pp. 29, 30.

No. 6.

QUARTERLY STATEMENT A.—(*To be submitted by District Magistrates to the High Court.*)

PART I.

Statement of persons tried, convicted, and acquitted, and of cases brought to trial, disposed of and pending in the Courts of Magistrates in the District of in the quarter of 18 .

(*Vide* instructions on Annual Statement 4.)

Designation and powers of Magistrates or Benches.[1]	Number of persons							Number of cases			Number of working days employed in the Criminal Department.	Remarks.[2]
	Under trial during the quarter	Died, escaped, transferred.	Discharged or acquitted.	Convicted.		Committed or referred.	Remaining under trial.	Brought to trial.	Disposed of.	Pending.		
				On regular trial.	On summary trial.							
1	2	3		5	6	7	8	9	10	11	12	13
Total . .												

[1] Enter the names of, and powers exercised by, all stipendiary Magistrates. Honorary Magistrates who have acted singly should be entered together, their cases being exhibited in one line. Benches of Magistrates, however composed, should be exhibited separately.

[2] The certificate required by Circular Order No. 10, dated 3rd September 1878, should accompany.—See clause (*h*), Rule 5, page 6.

PART II.

Statement of persons concerned in cases decided under the miscellaneous provisions of the Code of Criminal Procedure during the quarter of 18 .

(*Vide* instructions on Annual Statement 3.)

DESIGNATION AND POWERS OF MAGISTRATES OR BENCHES.	Frivolous or vexatious complaints summarily dealt with under Chapter XVI, section 209.	Proceedings against witnesses under Chapter XXVI,	Forfeiture of bail or recognizance under Chapter XXVIII.	Contempts of Court under Chapter XXXII.	Proceedings under Chapter XXXVII, to prevent breach of the peace.	Proceedings under Chapter XXXVIII, security for good behaviour.	Proceedings against local nuisances, Chapter XXXIX.	Possession, Chapter XL.	Maintenance, Chapter XLI.	REMARKS.
	Persons.	Persons.	Persons.	Persons.	Persons.	Persons.	Persons.	Cases.	Persons.	
1	2	3	4	5	6	7	8	9	10	11
TOTAL . .										

PART III.

Statement showing the result of Appeals to the Magistrate of the District or other Magistrate authorized to hear appeals, and of Applications to the Magistrate of the District for the Revision of the Proceedings of Subordinate Courts.

(*Vide* instructions on Annual Statement 6.)

Court to which the appeal was preferred or application made.	Number of persons.												Number of cases.			Remarks.[1]
	Number of appellants and applicants for revision, including pending from last quarter.	Died, escaped, transferred.	Appeal or application rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced, or sentence or order otherwise altered.	Sentence or order reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred to the High Court for revision.	Disposed of, including entries in columns 4 to 11.	Remaining at the end of the quarter.	Preferred during the quarter.	Disposed of during the quarter.	Pending at the close of the quarter.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Appeals																
Magistrate of the district																
Total . .																
Applications for Revision.																
Magistrate of the district																
Total . .																
Grand Total. .																

[1] The date of the oldest pending appeal to be entered, with explanation regarding delay exceeding one month.

No. 7. QUARTERLY STATEMENT B.—(*To be submitted by Sessions Judges.*)

PART I.

Showing the number of Persons tried, convicted, and acquitted, and of Cases brought to trial, disposed of, and pending in the Court of Session during the Quarter of 18 .

(*Vide* instruction on Annual Statement 4.)

Designation of Committing Officers.	Number of persons							Number of cases			Remarks.
	Under trial during the quarter.	Died, escaped, transferred.	Discharged or acquitted.	Convicted		Referred.	Remaining under trial.	Received on commitment during the quarter.	Disposed of during the quarter.	Pending at the close of the quarter.	
				On regular trial.	On summary trial.						
1	2	3	4	5	6	7	8	9	10	11	12
Total . .											

PART II.

Statement showing the result of Appeals and of Applications for Revision in Criminal Cases by the Court of Session.

(*Vide* instructions on Annual Statement 6.)

Court to which the appeal was preferred, or application made.	Number of persons												Number of cases			Remarks.[1]
	Number of appellants and applicants for revision, including pending from last quarter.	Died, escaped, transferred.	Appeal or application rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced, or sentence or order otherwise altered.	Sentence or order reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred to the High Court for revision.	Disposed of, including entries in columns 4 to 11.	Remaining at the end of the quarter.	Preferred during the quarter.	Disposed of during the quarter.	Pending at the close of the quarter.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Appeals.																
Court of the Sessions Judge																
Total . .																
Applications for revision.																
Court of the Sessions Judge																
Total . .																
Grand Total . .																

[1] The date of the oldest pending appeal to be entered, with explanation regarding delay exceeding one month.

ANNUAL STATEMENTS.

10. [*Instructions as to the preparation of Annual Statements—C. O. No. 5 of 14th October 1879.*]—(*a*) District Magistrates shall in future submit their Annual Statements direct to the High Court, and not through the Sessions Judge.

(*b*) Sessions Judges shall submit separately to the High Court the returns relating to the Court of Session. These returns shall exhibit separately the figures pertaining to each District Magistracy within the jurisdiction of the Sessions Judge.

(*c*) District Magistrates must take care that the proper officers of their own Court and of the Courts subordinate to them collect at convenient intervals the information necessary to fill up the Annual Statements. Some of these can be readily compiled from the monthly and quarterly returns. In the case of others, it is essential that the requisite information should be collected from time to time so as to be available without delay at the close of the year.

(*d*) In order to secure the accurate preparation of Statements 2, 4, and 5, the forms of Register marked 27, 28, and 29, in the "Forms of Periodical Statement,[1]" shall be adopted in the Courts of all Magistrates. Register 19[2] shall also, so far as applicable, be adopted by Courts of Session. It is intended that the entries to be made in it should be made at once, on the conclusion of each trial, by the officer in attendance at the Bench. The entries in Register 28 may be also made then, or, with those in 29, they may be written up from time to time, as found convenient.

NOTE.—In the Annual Criminal Statements, columns headed "Brought to trial" or "Preferred," unlike those headed "Under trial" or "Total dealt with," are intended to show only cases brought to trial, or appeals or applications filed during the period to which the return relates, and are not intended to include cases pending at the commencement of such period.—(*G. L. No. 3, dated 4th February 1880.*)

[1] *Vide* pages 61, 62, and 63. [2] *Vide* page 53.

ANNUAL STATEMENT I—(CRIMINAL) FOR THE
OF FOR THE YEAR 18 .

PART I.

List of Judicial Divisions, with Area and Population.

Name of Sessions Division.	Names of District Magistracies.	Names of Sub-Divisions.[1]	Area in square miles.[1]	Population.[1]
1	2	3	4	5

[1] Give separately the area and population of each District Magistracy.

PART II.

Return showing the number of Officers of each class vested with jurisdiction in Criminal Cases present in the District at the close of the year; and the number of working days of all officers employed in the district during any part of the year.

CLASS OF COURTS.	Exercising Criminal powers only.[2]	Criminal and Civil powers.[2]	Criminal and Revenue powers.[2]	Exercising Criminal, Civil, and Revenue powers.[2]	TOTAL NUMBER OF WORKING DAYS EMPLOYED.[3] On Criminal work.	On Civil work.	On Revenue work.	REMARKS.
1	2	3	4	5	6	7	8	9
COURTS OF SESSION.								
Sessions Judge .								
Additional or Joint Sessions Judge .								
Assistant Sessions Judge . . .								
Total . .								
MAGISTRATES.								
Stipendiary. 1st class[1]								
Stipendiary. 2nd class								
Stipendiary. 3rd class								
Total . .								
Special Magistrates, under Section 42, C. P. C. . . .								
Honorary 1st class								
Honorary 2nd class								
Honorary 3rd class								
Total . .								

[1] Include the Magistrate of the district.
[2] Enter only officers employed in the district at the close of the year.
[3] Include the working days of every officer exercising Criminal powers during any part of the year. Note in the column of remarks the number of officers of each class who, though vested with powers, did no criminal work during the year.

PART III.

Return showing each Bench of Magistrates constituted in the District.

SITTINGS WHERE HELD.	NUMBER OF MAGISTRATES WHO SIT TOGETHER TO FORM A BOARD.[4]		Powers.	Local Jurisdiction.	REMARKS [5]
	Stipendiary.	Honorary.			
1	2	3	4	5	6

[4] That is, the number usually present at each sitting, not the number attached to the Bench.
[5] Note whether the Benches are authorized to take up cases on complaint, without reference.

PART IV.

Statement showing the Receipts and Charges of the Criminal Courts and the proportion of the Salary of Judicial Officers debitable to Criminal Justice for the year 18

CLASS OF COURTS.[a]	RECEIPTS.[7]					CHARGES.[7]							REMARKS.
	IN COURT-FEE STAMPS.		IN CASH.		TOTAL.[8]	SALARIES OF JUDICIAL OFFICERS.		ESTABLISHMENT.		Contingencies	Refunds	TOTAL OF COLUMNS 8 TO 12.	
	Process Fees.	Other Fees.	Fines.[8]	Other receipts credited to Government.		Gross.	Share debitable to Criminal Justice.[9]	Process-servers.	Other.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14
TOTAL . .													

[a] District Magistrates will give total figures separately for each station at which there is a Magistrate. Sessions Judges will give them separately for each District within the Sessions divisions.

[7] Omit fractions of a rupee.

[8] Magistrate will not include realizations on account of fines imposed on persons committed for trial to the Court of Session, which will be shown by the Sessions Judge in his statement. They will include all other judicial fines realized by them, whether afterwards credited to local funds or not.

[9] The proportion of an officer's time shown in Part II to have been devoted to Criminal work will determine the proportion of his salary to be debited to Criminal Justice.

SCHEDULE OF OFFENCES.

N. B.—Attempts where not separately specified in this Schedule should be entered immediately after the offences at which they are attempts. Abetment should be included with the substantive offences abetted.

Nomenclature of offences, with Chapter and Section of the Penal Code or other Law applicable.				Number of head of Crime.
I—OFFENCES UNDER THE PENAL CODE.				
Offences against the State	Chapter	VI,	Secs. 121 to 130	1
Offences against the Army and Navy	,,	VII,	,, 131 to 140	2
Offences against the public tranquillity	,,	VIII,	,, 143 to 145, 149 to 151, 157, 158, Unlawful assembly	3
			,, 147, 148, 152 & 153 to 156 Rioting, &c.	4
			,, 160 Affray	5
Offences by or relating to public servants	,,	IX,	,, 161 to 169 By public servants	6
			,, 161, 170 & 171 Relating to public servants	7
Contempts of the lawful authority of public servants	,,	X,	,, 172 to 190	8
False evidence and offences against public officers	,,	XI,	,, 193 to 200 False evidence, subornation, &c., of public servants	9
			,, 201 to 229 Offences against public justice	10
Offences relating to coin and Govt. stamps	,,	XII,	,, 231 to 254 Offences relating to coin	11
			,, 255 to 263 Offences relating to stamps	12
Offences relating to weights and measures	,,	XIII,	,, 264 to 267	13
Offences affecting the public health, safety, convenience, decency, and morals	,,	XIV,	,, 269 to 278 Offences affecting public health	14
			,, 279 to 289 Offences affecting safety	15
			,, 290 & 291 Ditto convenience	16
			,, 292 to 294 Offences affecting decency and morals	17
			,, 294A Keeping lottery office or publishing proposals for lottery	17a
Offences relating to religion	,,	XV,	,, 295 to 298	18
Offences affecting the human body	,,	XVI,	,, 302 & 303 Murder	19
			,, 307 Attempt at murder	20
			,, 304 Culpable homicide	21
			,, 304A Causing death by rash or negligent act	21a
			,, 308 Attempt at culpable homicide	22
			,, 305 & 306 Abetment of suicide	23
			,, 309 Attempted suicide	24
			,, 311 Thuggee, &c.	25
			,, 312 to 315 Causing miscarriage	26
			,, 316 Injury to unborn children	27
			,, 317 Exposure of infants	28
			,, 318 Concealment of birth by secret disposal of dead body	29
			,, 325 to 331 & 333 Hurt with aggravating circumstances	30
			,, 323, 324, 332 & 334 to 338 Other cases	31
			,, 341 Wrongful restraint	32
			,, 342 to 348 Wrongful confinement	33
			,, 352 to 358 Criminal force or assault	34
			,, 364, 366, 367 Kidnapping or forcible abduction with aggravating circumstances	35
			,, 363, 365, 368, & 369 Other cases	36
			,, 370, 371 Slavery	37

SCHEDULE OF OFFENCES—continued.

Nomenclature of offences, with Chapter and Section of the Penal Code or other Law applicable.						Number of head of Crime.
I—OFFENCES UNDER THE PENAL CODE—(*continued*).						
Offences affecting the human body	Chapter	XVI,	Secs. 372 & 373		Buying or selling a minor for the purpose of prostitution	38
			„ 374		Forced labour	39
			„ 376		Rape	40
			„ 377		Unnatural offence	41
Offences against property	„	XVII,	„ 382		Theft with aggravating circumstances	42
			„ 379 to 381 & 401		Other cases	43
			„ 386 to 389		Extortion with aggravating circumstances	44
			„ 384 & 385		Other cases	45
			„ 394	Robbery.	With hurt	46
			„ 392	Robbery.	Other cases	47
			„ 393	Robbery.	Attempts	48
			„ 396	Dacoity.	With murder	49
			„ 397	Dacoity.	With attempt to cause death or grievous hurt	50
			„ 398	Dacoity.	Attempted robbery or dacoity when armed with deadly weapons	51
			„ 395, 399, 400 & 402	Dacoity.	Other cases	52
			„ 403 & 404		Criminal misappropriation of property	53
			„ 406 to 409		Criminal breach of trust	54
			„ 411 to 414		Receiving or habitually dealing in stolen or plundered property	55
			„ 417 to 420		Cheating	56
			„ 421 to 424		Fraudulent deeds or disposition of property	57
			„ 429 to 433 & 435 to 440	Mischief.	With aggravating circumstances	58
			„ 426 to 428 & 434	Mischief.	Other cases	59
			„ 459 & 460	Criminal trespass.	Resulting in death or grievous hurt	60
			„ 449 to 452, 454 455, 457 & 458	Criminal trespass.	For commission of serious offences	61
			„ 447, 448, 453, 456, 461 & 462	Criminal trespass.	Other cases	62
			„ 465 to 471 & 474		Forgery or uttering or possessing forged documents or papers	63
			„ 472 to 476		Counterfeiting or making, or possessing a counterfeit seal, &c., for purposes of forgery	64
			„ 477		Fraudulently destroying or defacing a will or other document	65
Offences relating to documents and to trade or property mark	„	XVIII,	„ 482, 486, 487 & 488		Using a false trade or property mark and knowingly selling property so marked	66
			„ 483 to 485		Counterfeiting or making or possessing a die plate, or instrument for counterfeiting a trade or property mark	
			„ 489		Removing, destroying, &c. a trade or property mark with intent to cause injury	68
Criminal breach of contracts and service	„	XIX,	„ 490 to 492			69

SCHEDULE OF OFFENCES—concluded.

Nomenclature of offences, with Chapter and Section of the Penal Code or other Law applicable.	Number of head of Crime.
I—OFFENCES UNDER THE PENAL CODE—*(concluded)*.	
Offences relating to marriage . . Chapter XX, „ 493 to 498	70
Defamation . „ XXI. „ 500 to 502.	71
Criminal intimidation, insult, or annoyance . „ XXII, „ 506 . The threat being to cause death or other grievous hurt . .	72
„ 504 to 510 Other cases	73
II.—OFFENCES UNDER SPECIAL AND LOCAL LAWS.	
Code of Criminal Procedure.	
Chapter 37, Sections 491, 494, 497, Security for keeping the peace	74
Chapter 38, Sections 504, 505, 506, Security for good behaviour	75
Breach of other laws relating to—	
Arms, Ammunition, and Military Stores . . . Act 11 of 1878.	
Army and Navy	
Canals, Drainage, and Embankments . . . . Act 6 (B.C.) of 1873.	
Cantonments, Military . . . . . „ 3 of 1860	
Cattle Trespass . . . . . „ 1 of 1871.	
Coinage and Mint . . . . . „ 23 of 1870	
Companies Act . . . . . „ 10 of 1866.	
Contagious Diseases . . . . . „ 14 of 1868.	
Contract—Workmen . . . . . „ 13 of 1859.	
Criminal Tribes and Eunuchs . . . . . „ 27 of 1871.	
Customs, Sea . . . . . Act 8 of 1878.	
Do., Inland . . . . . „ 8 of 1875 & 7 (B.C.) of 1864 (as amended by 1 (B.C.) 1873 and 18 of 1877).	
Emigration to British Burma . . . . . „ 3 of 1876.	
„ Foreign Ports . . . . . „ 7 of 1871.	
„ Inland . . . . . „ 7 (B.C.) of 1873.	
„ Straits Settlements . . . . . „ 5 of 1877.	
Foreigners . . . . . Reg. 11 of 1812, Act 3 of 1864.	
Forests . . . . . Act 7 of 1878	
Gambling . . . . . „ 3 of 1867, & Act 2 (B.C.) of 1867.	
Hackney and Stage Carriages . . . . . „ 5 (B.C.) of 1866 & Act 16 of 1881	
Inoculation . . . . . „ 4 (B.C.) of 1865	
Land Acquisition . . . . . „ 10 of 1870.	
Legal Practitioners. . . . . „ 18 of 1879.	
License Tax . . . . . „ 2 (B.C.) of 1880	
Marriage, Christian . . . . . „ 15 of 1872.	
Merchant Shipping and Seamen . . . . . „ 13 of 1876.	
Municipalities . . . . . Acts 4 & 5 (B.C.) of 1876	
Opium . . . . . Act 1 of 1878.	
Passenger Ships . . . . . „ 8 of 1876.	
Police District . . . . . „ 5 of 1861.	
„ Town . . . . . Acts 2 & 4 (B.C.) of 1866	
„ Village . . . . . Act 6 (B.C.) of 1870.	
Ports . . . . . „ 12 of 1875.	
Post Offices . . . . . „ 14 of 1866.	
Prisons and Prisoners . . . . . Acts 5 of 1871 and Acts II (B.C. of 1864, V (B.C.) of 1865, & IV (B.C.) of 1860.	
Press, Native . . . . . Acts 9 and 16 of 1878.	
Printing Presses . . . . . „ 25 of 1867.	
Railways . . . . . „ 4 of 1879.	
Registration of Documents . . . . . „ 3 of 1877.	
„ of Births and Deaths . . . . . „ 4 (B.C.) of 1873.	
Sarais and Parnos . . . . . „ 22 of 1867.	
Stamps . . . . . „ 1 of 1879.	
Telegraphs . . . . . „ 1 of 1876.	
Treasure Trove . . . . . „ 6 of 1878.	
Tolls . . . . . Acts 8 of 1851, 22 of 1856, 9 (B.C.) of 1871.	
Vagrancy (European) . . . . . Act 9 of 1874.	
Volunteers . . . . . „ 20 of 1869.	
Weights and Measures . . . . . „ 31 of 1871.	

No 9.

ANNUAL STATEMENT—2—(CRIMINAL).

Statement of Offences reported and of persons tried, convicted, and acquitted of each offence in the *in the year 18* .

NOMENCLATURE OF OFFENCES, WITH CHAPTER AND SECTION OF THE PENAL CODE OR OTHER LAW APPLICABLE.	Number of head of crime.	NUMBER OF CASES.					NUMBER OF PERSONS.					REMARKS.
		Offences reported.	Complaints rejected under Section 147, C. P. C.	Other cases struck off as false.	Balance returned as true.	Brought to trial during the year.	Under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial at the close of the year.	
1	2	3	4	5	6	7	8	9	10	11	12	13
TOTAL . .												

INSTRUCTIONS FOR PREPARATION OF ANNUAL STATEMENT 2.

Column 1.—The printed Schedule of offences must be adhered to. No cases under the Code of Criminal Procedure, except those indicated in it, must be entered in the body of this statement. In the column of remarks it may be noted how many of the persons entered against headings 8 & 10 were dealt with summarily under the provisions of Chapter XXXII of the Code of Criminal Procedure; in how many cases, entered against other heads, the complainant was required to pay compensation to the accused under Section 209, or the defendant, in addition to the punishment inflicted upon him, was required to give recognizance or security to keep the peace under Sections 489 & 490; in how many cases entered against heading 75 the orders of the Court of Session were taken under Section 507, &c. The list given of offences under "Special and Local Laws" is not meant to be exhaustive. Separate entry should be made, in alphabetical order, of each law against which offences have been committed. Attempts, where not separately specified in the Schedule, should be entered immediately after the offences at which they are attempts. Abetments should be included with the substantive offences abetted.

Column 2.—In this column the index number of the head of crime given in the printed Schedule should be entered.

Column 3.—All offences (cases) of which information was given, complaint made, or cognizance taken under Chapters VIII, IX, X and XI, C. P. C., for the first time during the year are to be shown, if they were alleged to have occurred in the District, although some of the charges may not have been prosecuted, or may have turned out to be false.

Column 4.—Enter all complaints (cases) rejected under Section 147, C. P. C., during the year.

Column 5.—Enter all cases other than those shown in column 4 in which during the year a Magistrate declared that the charge was false and that the offence never occurred. Include cases in which the complaint was adjudged to be frivolous or vexatious, and the complainant was fined under Section 209, C. P. C. Exclude charges rejected by the Police, unless a Magistrate declared them to be false.

Column 6.—The entries in this column should be the balance of cases entered in column 3 after deducting those entered in columns 4 and 5.

Column 8.—Include cases and persons pending trial at the close of the year and those received by transfer from other Districts.

Columns 7 to 12.—Those cases only in which an accused person has appeared personally or by agent before a Court, and the persons who so appeared, are to be entered in these columns.

Columns 8, 9, & 10.—The final result of trial as regards each person will determine the heading in column 1 against which he is to be entered. Where an accused is tried under more than one head of charge, he should be exhibited under the principal one only, unless he happens to be accused of entirely distinct offences supported by separate evidence, in which case the trials would be separate, and the results independent.

Columns 9 & 10.—These columns are intended to show the result of trial in the Magistrate's Court as regards persons whose cases were disposed of by Magistrates, and in the Court of Session as regards persons whose cases were disposed of by that Court. In cases referred by Subordinate Magistrates under Sections 46 or 504, by Deputy Commissioners under Section 36, by Assistant Judges under Section 18, and by Courts of Session under Sections 263 and 287, C. P. C., the results to be shown are those in the Court which received and dealt with the reference. Should this Court not have decided the case by the end of the year, it should be entered as "Remaining under trial."

Column 11.—In the column of remarks the names of the Courts or Districts to which any cases were transferred should be noted, in order that it may be ascertained that they have been properly entered in the returns of the latter.

Column 12.—Committed cases, which had not been decided at the close of the year, will be entered as pending in this column, as well as the referred cases above alluded to.

No. 10.

ANNUAL STATEMENT—3—(CRIMINAL).

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the *during 18* .

Nature of Proceedings.[1]	Total number dealt with during the year.		Disposed of during the year.			Remarks.
	Cases.	Persons.	Cases.	Persons.		
				Discharged.	Convicted.	
1	2	3	4	5	6	7
1. Frivolous or vexatious complaints summarily dealt with under Chapter XVI, section 209						
2. Proceedings against witnesses under Chapter XXVI						
3. Forfeiture of bail or recognizance under Chapter XXVIII						
4. Non-attendance of jurors or assessors, Chapter XXIX, section 414						
5. Contempts of Court under Chapter XXXII						
6. Proceedings under Chapter XXXVII, To prevent breach of the peace						
7. Proceedings under Chapter XXXVIII, Security for good behaviour						
8. Proceedings against local nuisances, Chapter XXXIX						
9. Possession, Chapter XL						
10. Maintenance, Chapter XLI.						
Total						

Sub-head 1.—Complainants fined under Section 209 are not to be entered as convicted in Annual Statements 2, 4 or 5, but the fact of the fines having been imposed may be noted in the column of remarks of Statement 2, against the complaints preferred by them.

Ditto 5, 6, & 7.—Charges of contempt of Court and cases under Sections 491, 494, 497, 504, 505, and 506, Criminal Procedure Code, will also appear under the appropriate head of the schedule in Statement 2 and in Statement 4. Persons convicted under these heads, and required to give security or recognizance under Section 489, Criminal Procedure Code, will also appear in statement 5.

Ditto 8, 9, & 10.—Cases under these sub-heads will not appear in Statements 2, 4, or 5. Jury cases under Chapter 39 will, however, appear in Statement 7.

No. 11. ANNUAL STATEMENT—1—(CRIMINAL).

Statement showing the General Result of Criminal Trials in the tribunals of various Classes in the *in the year 18* .

CLASS OF TRIBUNAL.	NUMBER OF PERSONS UNDER TRIAL.								PERSONS WHOSE CASES WERE DISPOSED OF								NUMBER OF CASES.							REMARKS.
	Remaining at the end of the previous year.	BROUGHT TO TRIAL DURING THE YEAR.							Died, escaped or transferred.	Discharged or Acquitted.	CONVICTED[1]				Committed or referred.	Total of columns 11 to 16.	Persons under trial at the end of year.	Brought to trial during the year.	Disposed of during the year.[2]	Remaining at the close of the year.	Number of cases entered in column 20 tried summarily.	Aggregate number of days during which the cases entered in column 20 lasted.[3]	Average number of days during which each case lasted.	Number of witnesses examined.	
		Under arrest by Police.	Upon warrant.	On summons.	Voluntarily.	Received on commitment or reference.	Received by transfer.	Total.			On regular trial.		On summary trial.												
											Appealable sentence passed.	Non-appealable sentence passed.	Appealable sentence passed.	Non-Appealable sentence passed.											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
I.—MAGISTRATES.																									
Village Officers																									
Subordinate Magistrates. Special Magistrate under section 42																									
Subordinate Magistrates. Honorary Magistrates sitting singly — 2nd & 3rd class																									
Subordinate Magistrates. Honorary Magistrates sitting singly — 1st class																									
Subordinate Magistrates. Stipendiary Magistrates sitting singly — 2nd & 3rd class																									
Subordinate Magistrates. Stipendiary Magistrates sitting singly — 1st class																									
Subordinate Magistrates. Benches of Magistrates																									
District and Divisional Magistrates—Cases referred under section 46[3]																									
Chief Magistrates of Districts — under ordinary powers																									
Chief Magistrates of Districts — under special powers under section 36																									
TOTAL																									

Note the number of persons entered in columns 8 and 10 transferred from or to another province.

II.—COURTS OF SESSION.	
Assistant Judges	
Judges, Joint and Additional Judges	
Judges — Cases referred by Deputy Commissioners under section 38, C. P. C.	
Judges — Cases referred by Assistant Judges under section 18, C. P. C.	
TOTAL	
III.- SUPERIOR COURTS OF GENERAL JURISDICTION.	
High Court — Cases under sections 64, 75, and 76, C. P. C., and section 147, High Courts Act	
High Court — Cases committed by the Presidency Magistrates	
High Court — Cases referred by Sessions Judges under section 263, C. P. C.	
Ditto ditto under section 287, C. P. C.	
TOTAL	
GRAND TOTAL	

[1] Persons whose cases were referred to a superior Court for higher punishment or for confirmation of sentence will be entered in column 16, and not in columns 12 to 15, against the Court making the reference. Against the Court receiving the reference they will be shown as convicted or acquitted, according to the orders passed by it, or as pending, if orders have not been passed

[2] Omit cases in which the accused died, escaped, or was transferred.

[3] These cases will also be shown against the Magistrates who made the reference, entry being made as directed above.

[4] In calculating the duration before the Magistrates' Courts, the starting point to be taken is not the date of complaint or information, but that of apprehension, or attendance on summons or otherwise. As regards Courts of Session, the actual number of days occupied should be given, commencing from the date of commitment.

No 12.

ANNUAL STATE

Statement showing the Punishments inflicted by the various

in the

CLASS OF TRIBUNAL.	PERSONS SENTENCED TO												PERSONS ORDERED TO FIND OR GIVE		
		TRANSPORTATION.		IMPRISONMENT.				FINE		WHIPPING.				
					Rigorous									
	Death.	For life.	For a term.	Penal servitude.	With solitary confinement.	Without solitary confinement.	Simple.	Forfeiture of property.	With imprisonment.	Without imprisonment.	In addition to other punishment.	In lieu of other punishment.	Sureties of the peace.	Recognizance to keep the peace.	Sureties for good behaviour.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
I.—MAGISTRATES.															
Village Officers															
SUB-MAGISTRATES. Special Magistrates under Section 42															
Honorary Magistrates sitting singly. 2nd and 3rd class															
Honorary Magistrates sitting singly. 1st class															
Stipendiary Magistrates sitting singly. 2nd & 3rd class															
Stipendiary Magistrates sitting singly. 1st class															
Benches of Magistrates															
District and Divisional Magistrates—cases referred under Section 46															
CHIEF MAGISTRATES OF DISTRICTS. Under ordinary powers															
Under special powers under Section 36															
TOTAL															
II.—COURTS OF SESSION.															
Assistant Judges															
Judges, Joint and Additional Judges															
JUDGES. Cases referred by Deputy Commissioners under Section 30, C. P. C.															
Ditto ditto by Assistant Judges under Section 18, C. P. C.															
TOTAL															
III.—SUPERIOR COURTS OF GENERAL JURISDICTION.															
HIGH COURT. Cases coming before the Court under Sections 64, 75, and 76, C P. C., and Section 147, High Court's Act.															
Cases committed by the Presidency Magistrates															
Cases referred by Sessions Judges under Section 263, C. P. C.															
Ditto ditto Section 287, C. P. C.															
TOTAL															
GRAND TOTAL															

[1] Omit fractions of a rupee. [2] Include all judicial fines imposed during the year by the criminal courts previous years.

INSTRUCTIONS.—This statement is meant to exhibit every sentence passed, and where two penalties are inflicted confinement and fine, he will appear in columns 6 and 10; if to rigorous imprisonment without solitary confinement, if to rigorous imprisonment and whipping, then in columns 6 or 7 and 12; if to rigorous imprisonment, and In adding together the entries to ascertain the total number of persons punished, it will be necessary to exclude columns. Further, to reconcile the number of persons entered in this statement as punished with the number ordered under Act X of 1859 in a footnote, no special column being provided for them in the statement.

As regards persons whose cases were referred for higher punishment or for confirmation of sentence, the punish against such Court accordingly, and not against the Court making the reference.

MENT—5—(CRIMINAL).

Criminal Tribunals in the exercise of Original Jurisdiction

year 18 .

PERSONS IMPRISONED IN DEFAULT OF SECURITY FOR GOOD BEHAVIOUR.		DETAIL OF PUNISHMENTS.																		WHIPPED.			
		FINE.[1]								IMPRISONMENT.													
										15 days and under.		6 months and under.		2 years and under.		7 years and under.		Above 7 years.					
One year and under.	Three years and under.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.[2]	Total amount of fines realized during the year.[2]	Amount paid by way of compensation.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	10 stripes and under.	20 stripes and under.	30 stripes and under.	Number of boys whose sentences were commuted to detention in a Reformatory School.
17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41

No. 13. ANNUAL STATEMENT—6—(CRIMINAL).

Statement showing the result of Appeal and Revision in Criminal Cases in the during the year 18 .

CLASS OF TRIBUNAL.	Number of Persons.[2]												Number of Cases			Remarks.
	Total number of appellants and applicants for revision, including pending from previous year.	Died, escaped, transferred.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or order otherwise altered.	Reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred to the High Court for revision.	Total whose cases were disposed of, including entries in columns 4 to 11.	Remaining at the end of the year.	Preferred during the year.	Disposed of during the year.[4]	Remaining at the close of the year.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
APPEALS.																
To — **From**																
District Magistrates[1] — Subordinate Magistrates[3]																
Courts of Session — Magistrates[3]																
Courts of Session — Assistant Judges																
Superior Courts — by persons convicted — Presidency Magistrates																
Superior Courts — by persons convicted — Deputy Commissioners acting under Section 36, C. P. C.																
Superior Courts — by persons convicted — Sessions Judges																
Superior Courts — by Government from judgments of acquittal, Section 272. — All Courts																
Total																

REVISION.																					
BY	OF ORDER OF																				
DISTRICT MAGISTRATES . .	Subordinate Magistrates[1] .																				
COURTS OF SESSION . . .	Magistrates[2]																				
HIGH COURT (CASES REFERRED FOR ORDERS UNDER SECTION 296)	Magistrates[2]																				
HIGH COURT (CASES DEALT WITH UNDER SECTION 294).	Magistrates[2]																				
	Courts of Session . . .																				
	Total . .																				
	GRAND TOTAL . .																				

[1] Or other Magistrates authorised to hear appeals under Section 266, Criminal Procedure Code.

[2] Including Benches of Magistrates.

[3] Persons whose appeals were rejected under Section 278, Criminal Procedure Code, should be entered in column 4, in which District Magistrates and Sessions Judges should also include applicants for revision whose cases they refuse to submit to the High Court. In columns 5 to 10 they should show persons whose cases were disposed of by themselves without reference to the High Court, and in column 11 all persons whose cases they referred to the High Court. The result of such references will not be shown in their return, but in those of the High Court.

[4] Excluding cases in which appellant or applicant died, escaped, or was transferred.

NOTE.—The words "Applicants for revision" in the heading of column 2 of Annual Statement 6 should be held to include all persons, whether complainants or accused, on whose behalf an application for revision is made, or in whose interest the Magistrate or Judge may take steps to obtain revision on his own motion.—(G. L. 3, dated 4th February 1880.)

No. 14. ANNUAL STATEMENT—7—(CIVIL AND CRIMINAL).

Statement showing use of Juries and Assessors in the Civil and Criminal Courts in the in the year 18 .

Classes of Courts in which Jurors or Assessors are employed, distinguishing Criminal from Civil Courts.	Established or average number of Jurors or Assessors in each case, and prescribed qualification.	Number of cases tried by Jury.	Number of cases with Assessors.	JURY TRIALS.					ASSESSORS' TRIALS.			Remarks. (Note in what classes of cases Juries and Assessors have been principally employed.)
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.		Number of Persons of the verdict in respect to whom the Judge disapproved.		Number of cases in which Judges agreed with Assessors.	Number of cases in which Judges differed from Assessors.		
					Wholly.	Partially.	Whose cases he referred under Section 263, C. P. C.	Whose cases he did not refer under Section 263, C. P. C.		One Assessor.	Both Assessors.	
1	2	3	4	5	6	7	8	9	10	11	12	13
I.—CIVIL COURTS.												
Chief Court of District (or officer specially empowered) acting under Act X of 1870 . . . . } Assessors												
II.—CRIMINAL COURTS.												
Magistrates' Courts under Chapter XXXIX, C. P. C. . . . . } Jurors												
Courts of Session . . . . . { Jurors / Assessors												
High Court, Original Criminal Jurisdiction . . . . . } Jurors												
Total . .												

No. 15.

COMPARATIVE TABLE I—(CRIMINAL).

ORIGINAL JURISDICTION.

Statement of the number of Offences reported, Complaints rejected, of Cases struck off as false, and of Cases returned as true, during the past as compared with the preceding year.

Description of Offences.	Offences reported.		Complaints rejected.		Cases decided to be false, or in which the offence found not to have occurred.		Cases returned as true.		Remarks.
	18 .	18 .	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8	9	10
Class I.—Offences against the State and relating to the Army and Navy—Chapters VI and VII of the Indian Penal Code									
„ II.—Offences against the Public Tranquillity—Chapter VIII									
„ III.—Offences relating to Public Servants—Chapters IX and X									
„ IV.—Offences against Public Justice and False Evidence—Chapter XI									
„ V.—Offences relating to Coin, Stamps, Weights and Measures—Chapters XII and XIII									
„ VI.—Offences affecting Public Health, &c., and Religion—Chapters XIV and XV									
„ VII.—Offences affecting the Human Body—Chapter XVI									
„ VIII.—Offences against Property—Chapter XVII									
„ IX.—Miscellaneous offences under the Penal Code—Chapters XVIII to XXII									
Total of Offences under Penal Code									
„ X.—Offences under Special Laws									
Grand Total									

N. B.—The figures for this statement are to be extracted from Annual Statement 2.

D

No. 16.

COMPARATIVE TABLE II—(CRIMINAL).

ORIGINAL JURISDICTION.

Statement showing the number of cases brought to trial, and the number of persons acquitted or discharged and convicted, and the percentage convicted during the past as compared with the preceding year.

Description of Offences.	Number of cases brought to trial during the year		Number of Persons				Percentage convicted.		Remarks.
			Acquitted or discharged.		Convicted.				
	18 .	18 .	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8	9	10
Class I.—Offences against the State and relating to the Army and Navy—Chapters VI and VII of the Indian Penal Code									
,, II.—Offences against the Public Tranquillity—Chapter VIII . .									
,, III.—Offences relating to Public Servants—Chapters IX and X. .									
,, IV.—Offences against Public Justice and False Evidence—Chapter XI									
,, V.—Offences relating to Coin, Stamps, Weights and Measures—Chapters XII and XIII									
,, VI.—Offences affecting Public Health, &c., and Religion—Chapters XIV and XV									
,, VII.—Offences affecting the Human Body—Chapter XVI . . .									
,, VIII.—Offences against Property—Chapter XVII									
,, IX.—Miscellaneous offences under the Penal Code—Chapters XVIII to XXII									
Total under the Penal Code .									
,, X.—Offences under Special Laws .									
Grand Total .									

N. B.—The figures for this statement are to be extracted from Annual Statement 2.

No. 17

COMPARATIVE TABLE III—(CRIMINAL).

ORIGINAL JURISDICTION.

Statement showing the number of cases brought to trial, disposed of, and pending trial in the Criminal Courts during the past as compared with the preceding year.

COURTS.[1]	BROUGHT TO TRIAL.		DISPOSED OF.		PENDING.		REMARKS.
	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8
TOTAL . .							

[1] District Magistrates should give separately the total figures for each station where a Magistrate is posted. Sessions Judges should give separately the figures for each district within the Sessions Division.

N. B.—The figures in this statement must agree with those given in Annual Statement 4.

No. 18.

TABLE IV.

ORIGINAL JURISDICTION.

Statement showing the total number of persons under trial in Magistrates' Courts and Courts of Session during the year 18 and the result of trial.

DETAIL OF COURTS.[1]	Under trial during the year.	Acquitted or discharged.	Convicted.	Committed or referred.	Died, escaped, transferred.	Remaining under trial.	Percentage of persons entered in columns 3 and 4 who were convicted.	REMARKS.
1	2	3	4	5	6	7	8	9
TOTAL . .								

[1] District Magistrates should give separately the total figures for each station where a Magistrate is posted. Sessions Judges should give the figures separately for each district within the Sessions Division.

N. B.—The figures in this statement must agree with those given in Annu l Statement 4.

No. 19.

COMPARATIVE TABLE V—(CRIMINAL).

ORIGINAL JURISDICTION.

Statement showing the number of witnesses examined and discharged without examination, and the amount paid as expenses during the past as compared with the preceding year.

COURTS.[1]	NUMBER OF WITNESSES EXAMINED.[2]		NUMBER OF WITNESSES DISCHARGED WITHOUT EXAMINATION.		AMOUNT PAID AS EXPENSES.[3]		REMARKS.
	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8
TOTAL . .							

[1] District Magistrates should give separately the total figures for each station where a Magistrate is posted. Sessions Judges should give the figures separately for each district with in the Sessions Division.
[2] Column 25 of Annual Statement 4.
[3] Omit fractions of a rupee.

No. 20.

TABLE VI—(CRIMINAL).

ORIGINAL JURISDICTION.

Statement showing the detention of witnesses during the year 18 .

COURTS.[1]	NUMBER OF WITNESSES DISCHARGED.				REMARKS.[2]
	On the 1st day.	On the 2nd day.	On the 3rd day.	After the 3rd day.	
1	2	3	4	5	6
TOTAL . .					

[1] District Magistrates should give separately total figures for each station where a Magistrat is posted. Sessions Judges should give the figures separately for each district within the Sessions Division.

[2] Explain entries in column 5, and name officers before whom delay principally occurred.

NOTE.—Table VI is intended to exhibit not only the number of witnesses discharged after examination, but also those who were discharged without examination, as shown in Table V, column 5—(*See C. O. 4, dated 6th May* 1880.)

No. 21.

COMPARATIVE TABLE VII—(CRIMINAL).

Statement showing the amount of Fines imposed by the Criminal Courts, the amount realized, and the amount paid by way of Compensation during the past as compared with the preceding year.

Courts.	Total Amount of Fines imposed.[2]		Amount realized.[3]		Amount paid by way of Compensation.[4]		Remarks.
	18 .	18 .	18 .	18 .	18 .	18 .	
	2	3	4	5	6	7	8
Total . .							

[1] District Magistrates should give separately the total figures for each station where a Magistrate is posted. District Judges should give the figures separately for each district within the Sessions Division.

[2] Column 25 of Annual Statement 5.

[3] Column 26 of ditto.

[4] Column 27 of ditto.

No. 22.

COMPARATIVE TABLE VIII—(CRIMINAL).

APPELLATE JURISDICTION.

Statement showing the number of Appeals (cases) preferred, disposed of, and pending in the Appellate Courts during the past as compared with the preceding year.

Appellate Courts.[1]	Preferred.[2]		Disposed of.[3]		Pending.[4]		Remarks.
	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8
Total . .							

[1] District Magistrates should enter separately the designation of any officers empowered to hear appeals besides the District Magistrate. Sessions Judges should give the figures separately for each district within the Sessions Division.

[2] Column 14 of Annual Statement 6.

[3] Column 15 of ditto.

[4] Column 16 of ditto.

No. 23.

TABLE IX—(CRIMINAL).

APPELLATE JURISDICTION.

Statement showing the result of Appeals.

CLASS OF COURTS WHOSE ORDERS WERE APPEALED AGAINST.	Number of persons in respect to whom appealable orders were passed.[1]	Number of persons who appealed.[2]	NUMBER OF APPELLANTS WHOSE CASES WERE DECIDED.[3]				Ratio per cent. of column 3 to column 2.	Ratio per cent. of column 4 to column 7.	REMARKS.
			Appeal rejected or sentence confirmed.	Sentence reduced, enhanced, or otherwise altered.	Sentence reversed, proceedings quashed, new trial or further enquiry ordered, or referred to the High Court.	TOTAL.			
1	2	3	4	5	6	7	8	9	10
Subordinate Magistrates									
Special Magistrates under Section 42									
Honorary Magistrates sitting singly. — 2nd and 3rd Class									
Honorary Magistrates sitting singly. — 1st Class									
Stipendiary Magistrates sitting singly — 2nd and 3rd Class									
Stipendiary Magistrates sitting singly — 1st Class									
Benches of Magistrates									
District and Divisional Magistrates (cases referred under Section 46, C. P. C.)									
Chief Magistrates of Districts									
TOTAL									

[1] Columns 12 and 14 of Annual Statement 4. [2] Column 3 of Annual Statement 6, less remaining at the end of th previous year. [3] Column 12, Annual Statement 6.

No. 24.

COMPARATIVE TABLE X—(CRIMINAL).

REVISIONAL JURISDICTION.

Statement showing the number of Applications (cases) for Revision preferred, disposed of, and pending in the Courts of revisional jurisdiction during the past as compared with the preceding year.

COURTS TO WHICH APPLICATION FOR REVISION WAS MADE.[1]	PREFERRED.[2]		DISPOSED OF.[3]		PENDING.[4]		REMARKS.
	18 .	18 .	18 .	18	18 .	18 .	
1	2	3	4	5	6	7	8
TOTAL .							

[1] Sessions Judges should give the figures separately for each district within the Sessions Division.
[2] Column 14 of Annual Statement 6.
[3] Column 15 of Annual Statement 6.
[4] Column 16 of Annual Statement 6.

No. 25.

TABLE XI—(CRIMINAL).

REVISIONAL JURISDICTION.

Statement showing the result of Applications for Revision made to the District Magistrate or Sessions Judge.

CLASS OF COURTS WHOSE ORDERS WERE THE SUBJECT OF REVISION.	Total number of persons in respect to whom orders were passed.[1]	Number of persons who applied for revision.[2]	NUMBER OF PERSONS WHOSE APPLICATIONS FOR REVISION WERE DECIDED.[3]				Ratio per cent. of column 3 to column 2.	Ratio per cent. of column 4 to column 7.	REMARKS.
			Applications rejected or order confirmed.	Proceedings modified.	Proceedings reversed or quashed, new trial or further enquiry ordered or referred to the High Court.	Total.			
1	2	3	4	5	6	7	8	9	10
Subordinate Magistrates									
Special Magistrates under section 42									
Honorary Magistrates sitting singly — 2nd and 3rd Class									
Honorary Magistrates sitting singly — 1st Class									
Stipendiary Magistrates sitting singly — 2nd and 3rd Class									
Stipendiary Magistrates sitting singly — 1st Class									
Benches of Magistrates									
District and Divisional Magistrates (cases referred under section 46, C. P. C.)									
Chief Magistrates of Districts									
TOTAL									

[1] Column 17 of Annual Statement 4, and Columns 5 and 6 of Annual Statement 3.
[2] Column 2 of Annual Statement 6, less remaining at the end of preceding year.
[3] Column 12 of Annual Statement 6.

No. 26. COMPARATIVE TABLE XII—(CRIMINAL).

Statement showing the Receipts and Charges of the Criminal Courts, and the results, plus or minus, in the year 18 and 18 .

COURTS.[1]	RECEIPTS.[2]		CHARGES.[3]		RESULTS, PLUS OR MINUS.		REMARKS.
	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8
TOTAL . .							

[1] District Magistrates should give separately total figures for each station where a Magistrate is posted. Sessions Judges should give the figures separately for each district within the Sessions Division.
[2] Column 6 of Annual Statement I., Part 4.
[3] Ditto 13 of ditto.

No. 27.

Register of cases decided in the Court of *exercising the powers of*

at *in the year 18 .*

| Serial number of the case in this register. | Number of case in the register of cases instituted. | Date of apprehension of accused. | Date of decision. | Number of days during which the case lasted. | Number of persons dealt with. | | | | | | | Persons disposed of. | | | | | | | Number of cases. | | Persons sentenced to | | | | Detail of Punishment. | | | | | | |

No. 28.

Register showing under each head of Crime the number of Persons acquitted, or discharged, or convicted in the Court of in 18 .

[Head of Crime as per Schedule attached to Annual Statement 2.]

Number of case in Register of cases decided.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remarks.
1	2	3	4	5

Instructions.—Persons entered in columns 13 to 18 of the Register of cases decided may be entered up under the proper head of crime in this Register at the conclusion of the trial. Those entered in column 19 as committed or referred will be entered when the result in the higher Court has been ascertained; until then they will be treated as "pending." At the close of the year an account must be taken of the number of persons under each head of crime whose cases are pending, in order to complete the entries to be made in Annual Statement 2—(*See C. O. 5, dated 14th October 1879.*)

No. 29.

Register showing under each head of Crime the number of Offences reported, of cases struck off as false, and of cases brought to trial in 18 .

[Head of Crime as per Schedule attached to Annual Statement 2.]

Number in Register of cases instituted.	Offences reported in		Complaints rejected under section 147, C. P. C.	Other cases struck off as false.	Brought to trial during the year.	Remarks.
	18 .	18 .				
1	2	3	4	5	6	7

Instructions.—Cases on which orders have been passed will be entered under the proper head of crime from time to time, pending cases being added in at the end of the year. Columns 2 and 3 are meant to distinguish cases reported in the previous from those reported in the current year, but the latter only will be entered in column 3 of Annual Statement 2—(*See C. O. 5, dated 14th October 1879.*)

Note.—Registers in forms Nos. 27, 28 and 29 are to be kept up for the purposes of the compilation of the foregoing returns and statements.

CHAPTER III.[1]

GENERAL RULES,

PRESCRIBING

FORMS FOR PROCEEDINGS IN THE CRIMINAL COURTS SUBORDINATE TO THE HIGH COURT (CLAUSE 3, SECTION 292 OF THE CODE OF CRIMINAL PROCEDURE).

1. [*Section 122, C. C. P.—Form for recording Confessions.—C. O. No. 3 of 24th March 1880.*]—(*a*) The following form is prescribed for recording confessions of accused persons; such confessions should invariably be recorded in the printed forms (supplied by the Superintendent of Stationery).

STATEMENT OF ACCUSED PERSON.

(*Section 122 of the Code of Criminal Procedure.*)

The Statement of , aged about years,
made before me , Magistrate of the class,
at , on the day of 188 :—
My name is
My father's name is
I am by caste and by occupation
My home is at Mouzah , Thannah
District I reside at

(*Signature or mark of the accused.*)

The above statement was made in my presence and hearing, and contains accurately the whole of the statement made by the accused person. I believe that this confession was voluntarily made.

(*Signature of the Magistrate.*)

(*b*) [*Instructions regarding the recording of Confessions—C. O. No. 3 of 24th March 1880.*]—It is desirable

[1] Subjects falling under this Chapter are arranged in the order of the Sections of the Code of Criminal Procedure.

that Magistrates should act with deliberation in examining persons brought before them for the purpose of making confessions, and should, as far as possible, satisfy themselves that the confession is voluntary—and this, not merely from the declaration of the accused, but from an attentive observation of his demeanour.

(*c*) [*Police Officer, who brought the prisoner, not to be present or to suggest questions—C. M. No. 7 of 30th July 1873.*]—It is not proper to allow the Police Officer, who brought the prisoner, to be present while the confession is being recorded by a Mohurrir and to suggest questions to be put to the confessing prisoner.

2. [*Section 144, C. C. P.—Complaints how to be dealt with.*]

(*a*) [*C. O. No. 4 of 25th February 1873.*]—The examination of the complainant is not to be a *mere form*, but an intelligent inquiry into the subject-matter of the complaint, carried far enough to enable the Magistrate to exercise his *judgment* as to whether there is or is not sufficient ground for proceeding.

(*b*) [*C. O. No. 6 of 16th May 1864.*]—The Magistrate is bound to receive all complaints, whether they be preferred orally or in writing.

3. (*a*) [*Section 280, C. C. P.—Form of Warrant of Release, on appeal to the Sessions Judge or Magistrate.*]

WARRANT OF RELEASE ON APPEAL.

(*Section 280 of the Code of Criminal Procedure.*)

IN THE COURT OF THE AT

To the Officer in charge of the Jail at

WHEREAS

son of of village

pergunnah in the district of

who was convicted by[1] of the offence of[2] and was sentenced on the day of to has been acquitted on appeal by Court.

[1] Name and official designation.
[2] Mention the offence, quoting also Act and Section.

You are hereby directed to discharge the said out of your custody, and for your so doing this shall be your sufficient warrant.

Given under my hand and the seal of the Court this the day of 18 .

Sessions Judge or Magistrate.

(b) [*Section 281, C. C. P.—Form of Release Warrant on bail, for appellants in Jail.*]—

ORDER BY THE SESSIONS JUDGE FOR THE RELEASE OF A PRISONER ON BAIL.

IN THE COURT OF THE SESSIONS JUDGE AT

To the Magistrate of the District of

WHEREAS

Accused or convicted by or before.

of an offence under Section of the Magistrate of on the day of 18 has been

State sentence or period of remand to jail.

and on to this

Appeal or application.

Court an order has been passed under Section of the Criminal Procedure Code for his release on bail until his shall have been disposed of

Case or appeal.

You are hereby required to release the said on good and sufficient bail accordingly

If the amount of bail is fixed by the Appellate Court, enter it here.

Given under my hand and the seal of the Court, this the day of 18 .

Sessions Judge or Magistrate.

4. [*Chapter XXIII, C. C. P.—Forms of Warrants—C. O. No. 5 of 11th March 1873, and C. O. No. 5 of 19th December 1876.*]—The following warrants are prescribed for general adoption, namely :—

1. A form of warrant for the execution of capital sentences.
2. A form of warrant for sentences of transportation.
3. A general form of warrant for other sentences (Form D of the Code of Criminal Procedure).
4. A form of warrant for the levy of fine.

DEATH WARRANT.[1]

To

Officer in charge of the Jail of

WHEREAS on the day of the month of in the year 18 son of of Village Pergunnah in the District of

Name and official designation. } was convicted before me

Mention the offence, quoting also Act and Section. } of the offence of

and sentenced to suffer death by being hanged by the neck until he is dead, and whereas the said sentence has been duly confirmed by order of the High Court of Judicature,

It is hereby ordered that execution of the said sentence be made and done upon the said on the of the month of or so soon thereafter as may be : You are hereby required to receive the said into your custody in the said Jail of together with this warrant, and there carry the aforesaid sentence into execution according to law.

Dated the day of

Sessions Judge.

[1] This form is applicable to Courts of Session only—(*See C. O. No. 5, dated 11th March 1873.*)

WARRANT OF COMMITMENT FOR TRANSPORTATION.[1]

To

Officer in charge of the Jail of

WHEREAS

son of of Village

Pergunnah in the District of

was convicted before me — { Name and official designation.

of the offence of — { Mention the offence, quoting also Act and Section.

and was sentenced to — { State the punishment fully and distinctly, mentioning its nature and extent.

You are hereby required to receive the said into your custody in the said Jail of in order to the aforesaid sentence being carried into execution according to law. The transportation under this warrant terminates on the

Dated the day of

Sessions Judge.

WARRANT OF COMMITMENT.

Section, 303, C. C. P.)[2]

To

Officer in charge of the Jail of

WHEREAS son of

of Village Pergunnah

in the District of

was convicted before me — { Name and official designation (specifying powers in case of Magistrate).

---

[1] Applicable to Courts of Session only—(*See C. O. No. 5, dated 11th March 1873.*)

[2] This form is general, and applies to Magistrates as well as to Sessions Judges—(*See C. O. No. 5, dated 11th March 1873.*)

Mention the offence, quoting also Act and Section. } of the offence of

State the punishment fully and distinctly, mentioning its nature and extent. } and was sentenced to

You are hereby required to receive the said into your custody in the said Jail of together with this warrant, and there carry the aforesaid sentence into execution according to law. The imprisonment under this warrant terminates on the

Dated the day of

Sessions Judge (or Magistrate).

WARRANT FOR LEVY OF FINE.[1]

To the Magistrate of the District of
and all other Magistrates and Police Officers
within the Sessions Division of

WHEREAS

son of of Village Pergunnah in the District of

Name and official designation. } was convicted before me

Mention the offence, quoting also Act and Section. } of the offence of

and sentenced to pay a fine of

You are hereby required and directed to levy the amount of the said fine by distress and sale of any movable property belonging to the said

Dated the day of

Sessions Judge (or Magistrate).

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[1] This warrant is intended for the use of Courts of Session and of Magistrates, when it is necessary to enforce a sentence of fine—(*See C. O. No. 5, dated 11th March 1873.*)

5. [*Chapter XXIII, C. C. P.—General Instructions regarding Warrants.*]

(*a.*) [*C. O. No. 5 of 19th December 1876.*]—The date of termination of all terms of imprisonment should be distinctly expressed in the warrants of commitment. In cases in which the imprisonment is to take effect on the expiration of a previous sentence, the commencement of the imprisonment is to be stated accordingly.

(*b*) [*C. O. No. 6 of 23rd February 1870.*]—A separate warrant should be issued in the case of each prisoner.

(*c*) [*C. O. No. 10 of 27th August 1873.*]—Warrants of imprisonment directed to Superintendents of District Jails should be in the English language, and warrants directed to the keepers of sub-divisional lock-ups should issue in the vernacular, except where the sentence is for imprisonment of a longer term than 15 days, in which case the warrants issued by Sub-divisional Authorities should, if possible, be in English.

(*d*) [*C. O. No. 12 of 28th November 1873.*]—In all cases where the accused is a soldier or person holding any rank in the army, the warrant for detention or imprisonment shall set forth accurately the rank of the prisoner and the Regiment or Military Department to which he belongs.

(*e*) [*C. O. No. 1 of 9th February 1880.*]—Except when the sentence passed upon any person by a Court of Session is simply that he pay a fine, without any order for imprisonment in default of payment (in which case the only warrant issued will be under section 307, Criminal Procedure Code), the warrant to be sent to the officer in charge of the Jail under section 302 shall set out in full the sentence passed. So far as the sentence is for imprisonment, the Jailor shall give effect to it according to the terms of the warrant. Such portion of the sentence

as directs imprisonment in default of payment of fine shall be carried into effect by the Jailor subject to the provisions of sections 68 and 69 of the Penal Code. It is not the duty of the Jailor to levy a fine, nor can he be required to receive it. The levy of a fine imposed by a Sessions Judge by distress and sale of the property of the accused is to be made under a special warrant issued for that purpose only under section 307, and not under a duplicate of the warrant sent to the Jailor under section 302.

6. [*Section 346, C. C. P.—Form for recording Examination of Accused—C. O. No. 3 of 24th March 1880.*]—The following form is prescribed for use in recording examinations of accused persons. Such examinations should be invariably recorded in the printed forms.

EXAMINATION OF ACCUSED PERSON.

(*Section 346 of the Code of Criminal Procedure.*)

The examination of aged about years
taken before me Magistrate of the class,
at , on the day of 188 :—
My name is .
My father's name is .
I am by caste and by occupation .
My home is at Mouzah , Thannah ,
District I reside at

(*Signature or mark of the accused.*)

The above examination was taken in my presence and hearing, and contains accurately the whole of the statement made by the accused.

(*Signature of the Magistrate.*)

7. [*Sections 352 and 355, C. C. P.—Warrants for the Arrest of Witnesses.—C. O. No. 21 of 22nd November*

1864.]—By section 159 of the Code of Criminal Procedure, every Warrant is to be in the form B given in the second Schedule, or to the like effect. Form B in the second Schedule expresses on the face of it the special cause on which it is granted, viz., that the party "is accused of the offence of—." A Warrant "to the like effect" under section 352 should contain a recital that "the Court or Magistrate has reason to believe that A. B., who is required to give evidence as a witness in a case against ————, will not attend without being compelled to do so," or under section 355 "that A. B. being summoned has neglected or refused to appear to give evidence." A strict adherence to the form of Warrants of Arrest prescribed by the Code of Criminal Procedure will tend to prevent their being granted irregularly and without enquiry as to whether the circumstances justify their issue.

8. [*Chapter XXVIII, C. C. P.—Form of Warrant of Release on Bail.*]

WARRANT OF RELEASE ON BAIL.

IN THE COURT OF THE

AT

To the officer in charge of the Jail at

WHEREAS

now a prisoner in the Jail on a charge of

Remanded. Ordered to be released.

and under the provisions of section

of the Code of Criminal Procedure has given good and sufficient bail for his appearance before this Court on the

day of 18

You are hereby directed to release the said

and for your so doing this shall be your sufficient warrant.

Given under my hand and the seal of the Court, this the day of 18

Magistrate.

9. [*Act V of 1876—Form of Warrant for detention in Reformatory—C. O. No. 6 of 29th June 1878.*]—The accompanying form of order (printed copies of which can be obtained on indent from the Office of the Superintendent of Stationery) is prescribed for general use under Act V, 1876.

High Court, Criminal, No. 14.

ORDER OF DETENTION IN A REFORMATORY SCHOOL.

(*Sections 8 and 9 of "The Reformatory Schools Act."*)

IN THE COURT OF AT

WHEREAS son of , resident of Village of , Pergunnah District , has, on the day of 18 , been convicted by at of the offence of , and has been sentenced to imprisonment for , which sentence he is now undergoing in the jail at

And whereas the said is under the age of sixteen years and is a proper person to be an inmate of a Reformatory School:

It is therefore ordered that instead of undergoing his sentence, he be detained for a period of years in the Reformatory School at

Given under my hand and the seal of the Court, this the day of 18 .

CHAPTER IV.[1]

GENERAL RULES

FOR

REGULATING THE PRACTICE AND PROCEEDINGS OF THE CRIMINAL COURTS SUBORDINATE TO THE HIGH COURT (CLAUSE 4, SECTION 292 OF THE CODE OF CRIMINAL PROCEDURE).

LANGUAGE TO BE USED IN COURT.

1. [*When Advocate may address Court in English—C. O. No. 4 of 15th March 1869.*]—With the permission of the Presiding Judge or Magistrate, any Advocate or Pleader may address the Court in English, when any one of the Pleaders on the opposite side is acquainted with that language, or whenever the senior of such Pleaders or his client consents to this being done.

LUNATICS.—(*Chap. XXXI, C. C. P.*)

2. [*Finding, what to state—C. O. No. 22 of 10th December 1864.*]—It is necessary that the finding under Section 429, C. C. P., should state specially whether the accused committed the act charged or not, if he be acquitted on the ground that, at the time at which he is charged to have committed the offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act charged, or that he was doing what was wrong or contrary to law.[2] In some instances the Judges have found the prisoner *guilty* of the offence charged, and then acquitted him on the ground

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[1] Subjects falling under this Chapter are arranged in alphabetical order.

[2] Magistrates and Sessions Judges should report such cases direct to Government —(*See Bengal Government Circular No. 84, dated 18th October 1870.*)

of insanity, thus including two opposite verdicts in one and the same finding, a contradiction arising from a want of attention to the words of the law.

3. [*Form of Finding—Letter No. 955 of 17th August 1867*].—The following is suggested as a suitable form of finding of acquittal on the ground of insanity :—

"The Court, concurring with the Assessors, finds that ( ) did kill ( ) by striking him on the head with a club, but that, by reason of unsoundness of mind, he was incapable of knowing that he was doing an act which was wrong or contrary to law, and that he is not therefore guilty of the offence specified in the charge, *viz.*, and the Court directs that the said ( ) be acquitted, and that under the provisions of section 430, Criminal Procedure Code, the said ( ) be kept in safe custody in the pending the orders of the local Government."

WITNESSES.

4. [*Witnesses not to be kept waiting.– C. O. No. 12 of 27th November 1865.*]—

(*a*) The evidence of witnesses should invariably be recorded as soon as possible after their attendance. If from unavoidable causes an adjournment is indispensable, there should be no unnecessary delay. Witnesses remaining over from one day should, as a rule, be examined at the first sitting of the Court on the following day. By this means the public will be put to no inconvenience, and justice will be administered in a prompt and satisfactory manner.

(*b*) Chief Magistrates of districts should carefully supervise the returns of their subordinates, as they will be held responsible for the correction of irregularities.

5. [*Rules for Examination of Complainants and Witnesses—C. O. No. 6 of 16th May 1864.*]—As regards the examination of complainants, witnesses, or persons

accused of the commission of any offence under enquiry or trial before a Criminal Court, the following Rules should be strictly observed in every case by Magistrates and Sessions Judges :—

(*a*) Every witness shall be examined *vivâ voce* in open Court.

(*b*) A Magistrate or Judge shall not be engaged in any other business whilst the examination of a witness is going on, or whilst any documentary evidence is being read.

(*c*) If, after the examination of a witness has commenced, the Magistrate or Judge is compelled to attend to any other business, the examination of the witness shall be suspended as long as such other business is being attended to.

(*d*) The examination of a witness shall not be interrupted for the purpose of enabling the Magistrate or Judge to attend to other business unless such business is of an urgent nature.

(*e*) It shall be the duty of every Appellate Court subordinate to the High Court to examine the Memorandum of the evidence made by the Subordinate Court, and to report to the High Court cases in which it shall appear that the above Rules have not been strictly and properly attended to.

(*f*) The evidence of every witness shall invariably be recorded in the presence of the Officer who may decide the case, except in the cases provided for by sections 46, 328, and 329 of the Code of Criminal Procedure, in which the recalling and re-examination of the witnesses is optional with the superior Magistrates.

(*g*) After the examination of witnesses has commenced, the trial or preliminary enquiry under Chapter XV of the Code of Criminal Procedure should be pro-

ceeded with until all the witnesses in attendance have been examined, those for the prosecution being first examined; and if any witness be detained for a longer period than two days, the Magistrate should record a Memorandum, stating the reasons of such detention.

(*h*) When it is deemed necessary to adjourn the hearing of a case, the adjournment shall be for as short a time as possible, and no person accused of any offence shall be remanded for any period exceeding fifteen days (section 194, C. C. P.).

(*i*) Every Sessions Judge and Magistrate shall sit daily and punctually at the hour appointed for the opening of his Court, unless prevented by circumstances which are to be recorded in the proceedings of the Court.

6. [*Particulars to be recorded for the Identification of Witnesses—C. O. No. 19 of 17th September 1864.*]—All Magisterial Officers shall, in the examination of prosecutors, witnesses, and prisoners, record in each deposition, statement, or defence the following particulars, which are indispensably necessary for the future identification of the parties examined, *viz.*, the name of the person examined, the name of his or her father, and if a married woman, the name of her husband, the religion, caste, profession, and age of the party or witness, and the Village and Pergunnah in which he or she resides.

7. [*Particulars for the Identification of Prisoners—C. O. No. 135 of 22nd February 1833.*]—Attention must be paid to correctness and uniformity in the manner of spelling the names of prisoners in the record of evidence. This is a point of great importance, and should meet with particular attention. Where several prisoners bearing the same or similar names are included in one trial, care should be taken, in recording the evidence given by each witness, to specify the name of the father

of the person charged, whenever the name of any one of them is mentioned. Very serious inconvenience has resulted from the neglect of this precaution.

8. [*Particulars as to recording Evidence of Witnesses where the meaning is doubtful—C. O. No. 9 of 20th August 1865.*]—(*a*) In depositions in which there may be any doubt as to the exact meaning of any expression used, and in which the doubtful expression has an important bearing on the offence with which the prisoner is charged, the Court would suggest the expediency of transcribing, in Roman characters, the words actually used, in order that the Court may be in a position, on the matter coming before it, without fear of error, to determine on their exact signification, and, in consequence, to give them their due and proper weight.

(*b*) Should any instance occur in which a foreign language is used, or in which the evidence may be delivered in a dialect to which a Judge may be unaccustomed, an Interpreter should be employed (see section 422 of the Code of Criminal Procedure, and section 5 of Act X of 1873).

9. [*Dying Depositions—C. O. No. 47 of 31st July 1857.*]—When any person, whose evidence is essential to the conviction of a prisoner charged with the commission of a crime, may be in imminent danger of dying before the case comes to trial, the deposition of the dying person should, if possible, be recorded in the presence of the accused or of attesting witnesses, and in the event of his death submitted at the trial with evidence of this fact.

CHAPTER V.

RULES MADE AND FORMS PRESCRIBED UNDER THE AUTHORITY OF ACTS OTHER THAN THE CODE OF CRIMINAL PROCEDURE.

COURT FEES ACT, VII OF 1870.

1. [*Rules*[1] *framed by the High Court of Judicature at Fort William in Bengal, in accordance with clause 2, section 20, of the Court Fees Act, 1870, declaring the fees chargeable for service and execution of the several processes in the Courts of Magistrates in Bengal and Assam—C. Os. No. 13 of 2nd April and No. 35 of 17th November 1879.*]

I.—The fees hereinafter mentioned shall be chargeable for serving and executing the processes to which the fees are respectively attached, *viz.* :—

	Rs.	A.	P.
(1) Warrant of arrest—			
For the warrant in respect of each person named therein . .	1	0	0
(2) Summons—			
For the summons in respect of one person, or of the first two persons residing in the same place .	0	8	0
In respect of every additional person named therein . . .	0	4	0
(3) Proclamation for absconding party under section 171 of the Code of Criminal Procedure—			
For the proclamation . . .	2	0	0

[1] Published at page 304 of the *Calcutta Gazette* of the 2nd April 1879 and at page 596 of the *Assam Gazette* of the 18th October 1879.

	Rs.	A.	P.
(4) Proclamation for witness not attending (section 353)—			
For the proclamation . . .	0	8	0
(5) Warrant of attachment—			
For the warrant	1	0	0
Where it is necessary to place officers in charge of property attached, for each officer so employed, per diem	0	4	0
(6) In cases where an application is made by a complainant for the recovery of costs awarded under section 31, Act VII of 1870, or of compensation granted under section 308, Code of Criminal Procedure, or where a defendant applies for the recovery of compensation awarded to him under section 209 of the Code of Criminal Procedure—			
For the warrant for the levy of the fine or compensation. .	0	8	0
(7) Written order—			
For the order	1	0	0
(8) Injunction—			
For the injunction	1	0	0
(9) Notice—			
For the notice	1	0	0

II.—Nothing herein contained shall be deemed to authorize the levying of any fee for any summons to attend as a juror or assessor in a Court of Session, and no fee shall be chargeable on any such summons.

III.—No fee shall be chargeable in advance on any process of a Criminal Court in any case where the prosecution is on the part of Government, but it shall be competent to any Magistrate in such case, if the accused

is convicted, to order that such fees shall be paid by the accused, or any of them, in like manner as if such fees had been paid by the prosecutor in the first instance.

IV.—No process which comes within the operation of Rules I or VI shall be drawn up for service or execution, except upon an application made to the Court for that purpose in writing on a document bearing upon its face stamps not less in amount than the fee, which is directed to be charged for serving and executing the process so sought to be drawn up. This application may, however, at the option of the party making it, be included in the petition by which he moves the Court to order the process to issue, but in that case the petition must bear the requisite stamps for the process fee, in addition to such stamps, if any, as are needed for its own validity: and, in either case, the filing of the application, thus duly stamped, shall constitute payment of the fee chargeable for the process.

V.—When a proclamation has been issued for an absent witness, if the witness shall afterwards appear, and the Court shall be of opinion that such witness had absconded or concealed himself for the purpose of avoiding the service of a warrant upon him, such Court may order the witness to pay the cost of the proclamation.

VI.—In the Districts named in the margin, where the Sub-divisional System has not been fully introduced, in every case where a process has to be executed at a distance of more than 25 miles from the Court from which it is issued, an addition of one-fourth is to be made to the fee chargeable, and if more than 50 miles, an addition of one-half.

Bengal.	
Rajshahye.	Beerbhoom.
Bograh.	Cachar.
Dinagepore.	Chittagong.
Malda.	Noakhally.
Rungpore.	Singbhoom.
Bancoorah.	Nowgong.
Sylhet.	Lohardugga.
Hazareebagh.	Manbhoom.
Assam.	
Sylhet.	Nowgong.

VII.—In the districts named in the margin, where during a portion of the year travelling except by boat is impracticable, boat-hire may, when it has to be incurred, be charged in addition to the fees payable under Rules I and VI above. The rates at which such boat-hire shall be charged shall be fixed from time to time by the District Magistrate, and shall be sufficient only to cover on the whole the actual cost of such boat establishment as it may be necessary to maintain for the purpose of serving processes in cases not cognizable by the Police.

Jessore.
Pubna.
Dacca.
Furreedpore.
Backergunge.
Mymensing.
Tipperah.
Noacolly.
Sylhet.

VIII.—Subject to the confirmation of the Local Government the High Court may, by notification in the Government Gazette, on sufficient cause shown, exempt from time to time any district, or part of a district, from the operation of all or any of the above rules, and may similarly bring any district, or part of a district, which may be exempt, under the operation of the same.

For paragraphs VII and VIII above, which relate only to Bengal, substitute the following paragraphs VII, VIII, and IX, for processes in Assam.

VII.—In the districts named in the margin, where during a portion of the year travelling except by boat is impracticable, boat-hire may, when it has to be incurred, be charged in addition to the fees payable under Rules I and VI above. The rates at which such boat-hire shall be charged shall be fixed from time to time by the District Magistrate, subject to approval by the Sessions Judge, and shall be sufficient only to cover on the whole the actual cost of hiring boats or of such boat establish-

Sylhet.
Kamroop.
Nowgong.
Lukhimpore.

ment as it may be necessary to maintain for the purpose of serving processes in cases not cognizable by the Police.

VIII.—In addition to the fees payable under Rules I, VI, and VII, the amount of ferry fees, if any which may legally be charged for ferries to be crossed by the peon serving the processes, shall be levied in cash from the party at whose instance the process is issued.

IX.—Subject to the confirmation of the Local Government, the High Court may, by notification in the Government Gazette on sufficient cause shown, exempt from time to time any district, or part of a district, from the operation of all or any of the above rules, and may similarly bring any district, or part of a district, which may be exempt, under the operation of the same.

2. [*Rules under clause 3, section 20 of the Court Fees Act, VII of 1870.*]—The following monthly salaries shall be allowed to the peons employed in the service or execution of processes in the Courts of the Magistrates:—

1st.—In the Court of the Magistrate of the District—

Peons, each	Rs. 7

2nd.—In Sub-divisional Magistrates' Courts—

Peons, each	Rs. 7

NOTE.—The rates of remuneration for peons, provided by these rules, are intended to secure the services of men who can read and write. But whenever, on the occurrence of a vacancy, candidates thus qualified shall not be available, the Court on whose establishment the vacancy exists may record a declaration to that effect, and may then appoint temporarily some person whom it may consider competent to perform the duties, and who shall be paid at the rate of Rs. 5 per mensem in Munsiffs' Courts, and Rs. 6 per mensem in all other Courts—provided that such appointments, when made by a Court subordinate to the District Judge or the Magistrate of the District, shall be subject to the approval of such Judge or Magistrate, and shall cease as soon as duly-qualified candidates shall be procurable.

3. [*Rules*[1] *framed by the High Court of Judicature at Fort William in Bengal, in accordance with section 22 of the Court Fees Act, 1870, for the guidance of Magistrates in Bengal and Assam—C. Os. No. 13 of 2nd April and No. 35 of 17th November 1879.*]

1st.—The Magistrate of every District shall ascertain the average number of processes issued in a year from his own Court, and from each of the Courts subordinate thereto, during three years last past.

2nd.—The peons to be employed in each District shall be in number sufficient for the execution of a like number of processes, each peon being for this purpose considered capable of executing 300 processes per annum.

3rd.—In the Districts named on the margin, where the peons entrusted with a large proportion of processes have to be conveyed by boat, the number of processes which each peon is expected to serve may be reduced by one-third, and the number of peons to be employed shall be calculated accordingly.

Bengal.

Backergunge.	Lukhimpore.
Dacca.	Chittagong.
Jessore.	Dinagepore.
Sylhet.	Mymensing.
Kamroop.	Rajshaye.
Nowgong.	Rungpore.

N. B.—For the Districts in the 2nd column the calculation is to be made for from May to October, inclusive, only.

Assam.

Sylhet.	Nowgong.
Kamroop.	Lukhimpore.

N. B.—For Lukhimpore the calculation is to be made for from May to October, inclusive, only.

4th.—Where it appears advisable to the Magistrate of the District, he may authorize the appointment of such number of peons on the whole for all the Courts in his District as may suffice for executing the total number of processes of those Courts, and may from time to time apportion such peons according to need among such Courts.

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[1] Published at page 304 of the *Calcutta Gazette* of the 2nd April 1879, and at page 596 of the *Assam Gazette* of the 18th October 1879.

5th.—When it appears to the District Magistrate that the number of processes issued out of any Court or Courts in the District has increased by 10 per cent., he shall be competent to make a corresponding increase in the number of peons, and if there shall be a diminution to the like extent, or if he should be satisfied that the processes of all or any of such Courts can be executed by a smaller number of peons, it shall be his duty to make a reduction accordingly.

4. [*Certain processes not chargeable with fees.*]—No fee shall be chargeable for serving and executing any process, such as a notice, rule, summons or warrant of arrest, which may be issued by any Court of its own motion, solely for the purpose of taking cognizance of, and punishing any act done, or words spoken, in contempt of its authority.[1]

OATHS ACT X OF 1873.

5. [*Forms of oaths, &c., for witnesses, interpreters, and jurors—C. O. No. 12 of 7th June 1873.*]—(*a*) The following forms of oaths and affirmations are prescribed by the High Court of Judicature at Fort William in Bengal under section 7, Act X of 1873.

(*b*) The same forms shall be used in Criminal as in Civil cases.

(*c*) Christian witnesses, interpreters and jurors, to whom oaths are administered, are to be sworn upon the New Testament.

(*d*) In other cases the oaths are to be administered upon such symbol, or accompanied by such act as may be usual, or as such witness, interpreter or juror may acknowledge to be binding on his conscience.

[1] This Rule is Rule II of the Rules under clause 1, section 20, Court Fees Act, 1870, which otherwise apply only to Civil Processes.

FOR WITNESSES.

Oath.

I swear that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

So help me God.

Affirmation.

I solemnly declare that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

সাক্ষিগণের নিমিত্ত।

শপথ।

আমি শপথ করিতেছি যে এ মোকদ্দমায় আমি যে সাক্ষ্য দিব তাহা সত্য হইবে ও আমি কিছুই গোপন করিবনা ও আমার সাক্ষ্যের কোন অংশ মিথ্যা হইবেনা।

ইহাতে ঈশ্বর আমার সহায়তা করুন।

প্রতিজ্ঞা।

আমি প্রতিজ্ঞা পূর্ব্বক কহিতেছি যে আমি এ মোকদ্দমায় যে সাক্ষ্য দিব তাহা সত্য হইবে ও আমি কিছুই গোপন করিবনা ও আমার সাক্ষ্যের কোন অংশ মিথ্যা হইবেনা।

واسطے گواهون کے

حلف

مین حلف کرتا هون که جو گواهي مین اس مقدمه مین دونگا سچ هوگي اور مین کوئي بات نه چهپاونگا اور نه کچهه جهوٹي کهونگا ۔ سو خدا اسمین میري مدد کر

اقرار از روے ایمان

میں ایمان سے اقرار کرتا ہوں کہ جو گواہی میں اس مقدمہ میں دونگا سچ ہوگی اور میں کوئی بات نہ چھپاونگا اور نہ کچھہ جھوٹھی کہونگا

FOR INTERPRETERS.

Oath.

I swear that I will well and truly interpret, translate and explain all questions and answers, and all such matters as the Court may require me to interpret, translate and explain.

So help me God.

Affirmation.

I solemnly declare that I will well and truly interpret, translate and explain all questions and answers, and all such matters as the Court may require me to interpret, translate or explain.

ইণ্টরপ্রিটর অর্থাৎ অনুবাদকদিগের নিমিত্ত।

শপথ।

আমি শপথ করিতেছি যে তাবৎ প্রশ্নউত্তর এবং আদালত আমাকে যে সকল বিষয় ভাষান্তরে বুঝাইয়া দিতে ও অনুবাদ এবং ব্যাখ্যা করিতে আজ্ঞা করিবেন তৎ সমুদয় উত্তম ও যথার্থ রূপে ভাষান্তরে বুঝাইয়া দিব এবং অনুবাদ ও ব্যাখ্যা করিব।

ইহাতে ঈশ্বর আমার সহায়তা করুন।

প্রতিজ্ঞা।

আমি প্রতিজ্ঞা পূর্ব্বক কহিতেছি যে তাবৎ প্রশ্নউত্তর এবং আদালত আমাকে যে সকল বিষয় ভাষান্তরে বুঝাইয়া দিতে ও অনুবাদ এবং ব্যাখ্যা করিতে আজ্ঞা করিবেন তৎ সমুদয় উত্তম ও যথার্থ রূপে ভাষান্তরে বুঝাইয়া দিব এবং অনুবাদ ও ব্যাখ্যা করিব।

واسطے انٹرپریٹرون یعنے ترجمان کے

حلف

مین حلف کرتا هون که مین ترجمه زباني و تحریري اور تصریح سب سوالون اور جوابونکي اور جمله مراتب کي جسکے ترجمه زباني یا تحریري یا تصریح کرنیکو عدالت مجهکو ارشاد کریگي درستي و صحت سے کرونگا ،

سو خدا اسمین میري مدد کر

اقرار ازروے ایمان

مین ایمان سے اقرار کرتا هون که مین ترجمه زباني و تحریري و تصریح سب سوالون اور جوابونکي اور جمله مراتب جسکے ترجمه زباني یا تحریري یا تصریح کرنیکو عدالت مجهکو ارشاد کریگي درستي و صحت سے کرونگا ،

FOR JURORS.

Oath.

I swear that I will justly and truly try and determine the questions submitted to the Jury in this case, and will give a true verdict according to the evidence.

So help me God.

Affirmation.

I solemnly declare that I will justly and truly try and determine the questions submitted to the Jury in this case, and will give a true verdict according to the evidence.

জুরিদিগের নিমিত্ত
শপথ।

আমি শপথ করিতেছি যে এ মোকদ্দমায় জুরির নিকট অর্পিত বিষয় সকল সম্বন্ধে প্রমাণানুসারে উচিত ও প্রকৃত রূপ বিচার ও মীমাংসা করিব ও যথার্থ রায় দিব।

ইহাতে ঈশ্বর আমার সহায়তা করুন।

প্রতিজ্ঞা।

আমি প্রতিজ্ঞা পূর্ব্বক কহিতেছি যে এ মোকদ্দমায় জুরির নিকট অর্পিত বিষয় সকল সম্বন্ধে প্রমাণানুসারে উচিত ও প্রকৃত রূপ বিচার ও মীমাংসা করিব ও যথার্থ রায় দিব।

واسطے اهل جوري کے

حلف

مین حلف کرتا هون که اس مقدمه مین تجویز و تصفیه جمله
مراتب کا جو اس جوري مین پیش هوگا انصاف و راستي سے کرونگا
و برعایت ثبوت و شهادت راے صحیح دونگا ،

سو خدا اسمین میري مدد کر

اقرار از روے ایُمان

مین ایُمان سے اقرار کرتا هون که مین اس مقدمه مین تجویز و تصفیه جمله مراتب کا جو اس جوري مین پیش هوگا انصاف و راستي سے کرونگا و برعایت ثبوت و شهادت راے صحیح دونگا ،

LEGAL PRACTITIONERS' ACT, XVIII OF 1879.

For Rules under this Act, see Civil Rules and Orders, Chapter IV, Rules 13 to 16.

CHAPTER VI.

CIRCULAR ORDERS,

OR

INSTRUCTIONS TO THE SUBORDINATE CRIMINAL COURTS FOR THEIR GUIDANCE IN MISCELLANEOUS MATTERS NOT FALLING WITHIN THE PURVIEW OF SECTION 292 OF THE CODE OF CRIMINAL PROCEDURE.

N.B.—Matter not classified under the Sections of the Code of Criminal Procedure is arranged after matter so classified, and in alphabetical order.

1. [*Chapter VII, C. C. P.—Instructions as to European British subjects committed to the High Court—C. O. No. 5 of 6th May 1864.*]—(*a*) Magistrates making commitments to the High Court in its original criminal jurisdiction should promptly send the records of cases to the Clerk of the Crown, and not delay doing so until the commencement of the Sessions at which the cases are to be tried. The practice of so delaying causes great inconvenience to all concerned, and deprives the Judge generally of the opportunity, which he ought to have, of looking over the depositions of the witnesses before the case goes to trial.

(*b*) A copy of the warrant of commitment should always form part of the record sent to the Clerk of the Crown.

(*c*) All witnesses should be bound, in the usual

form, to attend at the Court House on a day specified, which should be the *first day of the Sessions* for which the prisoner is committed; and this should be the next Sessions after the commitment, if there is a sufficient interval of time between the commitment and the next Sessions; and if not, then the next following Sessions. Much inconvenience is often occasioned by and to witnesses from the Mofussil in consequence of their want of information as to the means of getting quarters, if they are poor and strangers, and as to the means of obtaining their expenses. They should be informed that the Commissioner of the Police of Calcutta (and not the Clerk of the Crown) has charge of these matters.

(*d*) In cases where Magistrates require advice or direction (except as to what merely concerns the office of Clerk of the Crown), they should apply direct to the Solicitor to Government.

2. [*Chapter VII, C. C. P.—Warrants to be sent with European British subjects committed to the High Court—C. O. No. 8 of 6th August 1866.*]—(*a*) The warrant of commitment should be directed to the Superintendent of the Presidency Jail in Calcutta, and should be in the form C., Schedule II, Code of Criminal Procedure; and, in pursuance of Section 12, Act V of 1871, the following words should be added at the end of the form before the date—"and you are hereby required to have the body or bodies of the said before the said High Court for trial at the Sessions of the Court next ensuing the date hereof."

(*b*) The warrant of commitment ought always to be delivered to the officer in whose custody the prisoner is sent, in order that it may be made over with the

prisoner to the Superintendent of the Presidency Jail as his authority to receive and detain the prisoner. Failure of justice has been caused in many cases through neglect to adopt this course, and the Court trust that Magistrates will be careful as well in this respect as in taking proper steps to ensure the attendance of the necessary witnesses at the Sessions. In addition to the warrant of commitment, a warrant should be directed to the police officer in charge of the prisoner, and should direct such officer to take the prisoner and deliver him to the Superintendent of the Presidency Jail. Such warrant may be in the following form :—

FORM OF WARRANT.

To (*the name of the officer or officers sent in charge of the prisoner*) and to all other Peace Officers of the Empress of India in the Provinces and Districts of Bengal, Behar, and Orissa, and places subordinate thereto, whom this may concern.

Whereas

of is charged with (*state the offence as in warrant of commitment*), and has been committed by me, the undersigned Magistrate, to the Superintendent of the Presidency Jail for trial before the High Court of Judicature at Fort William in Bengal, you are therefore hereby required to receive the said into your custody, and to deliver him into the custody of the Superintendent of the Presidency Jail at Calcutta, to be there safely kept until he shall be thence delivered by due course of law.

Dated the day of

3. [*Section 133, C. C. P.—Form of letter to Civil Surgeon, to be sent with dead bodies or wounded persons—C. O. No. 40 of 13th April 1857.*]—The accompanying form of a letter to the Civil Surgeon requesting him

to examine wounded persons and dead bodies is to be used generally :—

From

THE MAGISTRATE

To

THE CIVIL SURGEON OF

SIR,—I have to request the favor of your examining sent to the hospital on the Be so good as to fill up the columns on the reverse of this letter,[1] and return it to me with such remarks as you may consider necessary to show clearly your opinion of the cause of

2. All that is at present known of the case is as follows :—

I have the honor to be,

SIR,

Your most obedient servant,

Magistrate.

MAGISTRATE'S OFFICE,
The *18* .

[1] *Form on back of the letter to Civil Surgeon.*

1	2	3	4	5	6
Nature of injury, *i.e.*, whether a cut, a bruise, or a burn, &c., &c.	Size of each injury in inches, *i.e.*, length, breadth, and depth.	On what part of the body inflicted.	Slight, severe, or dangerous.	By what kind of weapon inflicted.	Remarks.

Civil Surgeon.

HOSPITAL,
The *18* .

4. [*Section 146, C. C. P.—Caution against the indiscriminate use of the Police for the Investigation of Complaints—C. O. No. 7 of 20th July 1871.*]—Magistrates are cautioned against the indiscriminate use of police agency for the purpose of ascertaining matters as to which a Magistrate is bound to form his own opinion upon evidence given in his presence. This caution is especially needful in respect of cases triable under the 16th chapter of the Code of Criminal Procedure and all cases regarding offences not cognizable by the Police.

5. [*Section 155, C. C. P.—Returns of service of summons in what form to be made—C. O. No. 9 of 6th April 1871.*]—Attention should be paid to the following rules in making the returns of service of summons in criminal cases :—

Personal service.

(*a*) When the summons is served personally, the service and the signature of the person served on the back of the summons or copy should be proved by the solemn declaration recorded in writing of the person who actually effected such service; and the identity of the person served with the party to whom the process is addressed should be proved by the affidavit or solemn declaration of some one personally acquainted with the person to be served.

Service on an adult male member of the family.

(*b*) If the service be made on an adult male member of the family of such person residing with him, it should be proved by the solemn declaration of the officer effecting the service, and, if necessary, of some other person or persons acquainted with the facts that the defendant could not be found, and that the person to whom the process was delivered was an *adult* male member of his family, and was actually residing with him at the time of such service.

Service by affixing copy of the summons to the house.

(*c*) If the service be made by affixing it to the dwelling-house of the person to be served, it should in like manner be proved that such person could not be found, nor any other person on whom service could be made, and that the person to be served *was ordinarily residing* in the house, on the outer door of which a copy of the process was fixed, at the time when it was so fixed.

6. [*Section 158, C. C. P.—Service of summons upon persons in the employment of Government.*]—(*a*) [*C. O. No. 14 of 6th December 1866.*]—Whenever a summons to appear as a witness in a criminal case is issued against an Officer of Police, it shall be served upon such Officer through the Superintendent of the District, or the Assistant in charge of the Sub-division to which such Officer may belong.

(*b*) [*C. O. No. 1 of 10th January 1868.*]—All summons on Medical Subordinates at Sub-divisions must be served through the Magistrate or other executive Head of the district, in order to enable him, in communication with the Civil Surgeon, to make arrangements for the conduct of their medical duties during their absence.

(*c*) [*C. O. No. 24 of 24th June 1878.*]—Whenever it may be necessary to Summon an Officer or Soldier in Military employ to attend a Civil or Criminal Court as a witness, the process-server, who is to serve the summons, must be instructed to take it under cover to the Officer in Command of the regiment or detachment with which the witness may be serving, and to apply for his assistance in serving it. With this assistance, the process-server shall then proceed to serve the process, and shall make his return direct to the Court. In such cases sufficient time should always be given to admit of

arrangements being made for the relief of the witness summoned.

(*d*) [*C. O. No. 8 of 22nd August 1878.*]—When Jail or other Departmental Officers of Government who reside in the station are summoned as witnesses, arrangements should be made to send for them only when actually wanted.

7. [*Section 172, C. C. P.—Sale of revenue-paying land attached by a Magistrate upon the Absconding of an Accused Person—C. O. No. 7 of 17th August 1878.*]—The Board of Revenue have, at the instance of the Court, issued the following instructions (*vide* Board's C. O. No. 9 of July 1878) to Collectors in connection with the attachment and sale, under section 172 of the Criminal Procedure Code, of land paying revenue to Government :—

"The High Court have represented that Collectors of Districts, who hold sales of land paying revenue to Government from time to time, could more conveniently and advantageously hold sales of such attached land as is above referred to, situated within their jurisdictions, than could Magistrates, especially in cases where the Magistrate is in another district. The Board therefore direct that Collectors will in future comply with the requisitions of Magistrates to hold sales in such cases; and it is further directed that in these cases the procedure in respect of advertisement, sale, and delivery of possession, in the case of sales in execution of decrees of Civil Courts under Act X of 1877 (The Code of Civil Procedure) may be strictly followed."

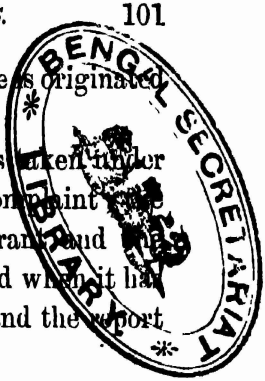
8. [*Section 185, C. C. P.—Language to be used in Warrants of Arrest—C. O. No. 3 of 25th July 1872.*]—Warrants of arrest issuing out of a Magistrate's Court should be written "in the language in ordinary use in the district in which it is held," that is to say (with

certain exceptions), the language in which the proceedings of the several Courts are conducted. But where a warrant is sent for execution to the Magistrate of a District where a different language is in ordinary use, the warrant should be accompanied by a translation, certified by the transmitting Magistrate to be correct, into such other language, or into English. Moreover, in such cases it would be proper that the warrant should always be accompanied by a letter in English requesting its execution.

9. [*Section 186, C. C. P.—Employment of Mukhtars and other persons to assist Accused Persons in their Defence—C. O. No. 13 of 29th August 1870.*]—Magistrates should not, by the indiscriminate exclusion of persons who are invested by law with a distinct professional status in criminal trials, deprive parties of legal aid which they can frequently obtain at a moderate cost.

10. [*Section 196, C. C. P.—Some of the persons implicated in the commission of the same offence should not be tried by the Magistrate, whilst others are committed to the Sessions—C. O. No. 100 of 27th May 1862.*]—When several persons are accused of the commission of the same offence, it would be obviously inconvenient if a Magistrate were to punish some and commit others to the Court of Session; and, as the Code does not seem to contemplate such procedure, the Magistrate should, if he considers the case to be one for the Sessions, commit all those concerned for trial before that tribunal.

11. [*Chapter XV, C. C. P.—Magistrate's Record of Commitment to consist of what papers—C. O. No. 1 of 23rd January 1872.*]—When a commitment is made to the Court of Session, the record of the Magistrate is to include—



First.—The proceeding by which the case originated in the Magistrate's Court.

Secondly.—All papers showing the steps taken under the authority of the Magistrate upon the complaint, the summons, if any, and its return; the warrant and its return, or other documents showing how and when it has been executed; also any search-warrant, and the report showing how it has been executed.

Thirdly.—The report, if any, on such enquiry as that under sections 133 and 146.

Fourthly.—The orders, if any, sanctioning the prosecution, when such sanction is necessary.

Fifthly.—The order, if any, withdrawing the case from one Court or transferring it to another Court.

The papers on the record of the Magistrate are not evidence in the Court of Session either for or against the accused, except so far as they are formally put in at the trial and accepted by the Court as evidence.

12. [*Chapter XV, C. C. P.—Directions for the guidance of Magistrates in making Commitments to the Court of Session—C. O. No. 5 of 14th October 1879.*]—(*a*) Whenever a case is committed to the Court of Session, the names of the witnesses shall be entered on the back of the copy of the charge which has to be forwarded to that Court under section 198 of the Code of Criminal Procedure. This copy shall be placed by the Sessions Judge at the beginning of the record of the trial in his Court.

(*b*) The observations or judgment of the Magistrate in committing the prisoner shall always go up in original with the record, and they, with the original depositions, should be read by the Judge before the trial. Abstracts of the evidence are considered unnecessary, and they are at times misleading.

(*c*) Magistrates should be careful to arrange their commitments with a view to the trials taking place at the earliest or next ensuing Sessions, in order to avoid the needless detention of accused persons for prolonged periods.

(*d*) Whenever a commitment is made, intimation shall be immediately given to the Court of Session, through the Magistrate of the District, by a letter in the following form:—

FROM

THE MAGISTRATE OF

TO

THE SESSIONS JUDGE OF

SIR,—I beg to report that I have this day committed, to take his trial before the Court of Session, the person named in the margin on the charge specified below.

I have, &c.,

A. B.,

Magistrate (as the case may be).

(Charges should follow here.)

(*e*) It will be unnecessary for the Court of Session to send any answer fixing a date for the trial, but the Judge will be guided by the information which he thus receives in estimating the time which it will be necessary to devote to the Criminal Sessions, and consequently at what period he will be able to take up civil business thereafter.

(*f*) Prosecutors and witnesses should be bound over to appear "at the next Criminal Sessions commencing on ."

(*g*) It will be the duty of the Magistrate, in order to prevent hardship and unnecessary detention to such persons, so to arrange the coming on of cases before the Court of Session that such parties may not be brought from their homes to the Sudder Station before they are actually required, and that they should have written notice of the specific date on which their attend-

ance will be necessary, and it should be carefully explained that failure to attend will be severely dealt with.

(*h*) The directions herein contained for committing Magistrates are to be observed, so far as they are applicable, by Civil Courts and other authorities committing persons for trial at the Sessions.

(*i*) At each periodical Sessions all persons awaiting trial shall be brought before the Judge in open Court; and, if the Government prosecutor is not prepared to go to trial in any particular case, he should be required to show cause, properly supported, why the accused should not be acquitted and released, the accused himself being also heard in answer to such cause shown.

(*j*) Sessions Judges are reminded that trials must not be too lightly postponed. It cannot be too often pointed out that a further detention of an accused person in jail for perhaps two months is in itself no trivial infliction, and is only justified when there is apparently a good case against the prisoner, and when the Judge is satisfied that, for the ends of justice, it is necessary to postpone the trial.

13. [*Chapter XV, C. C. P.—Instructions as to cases where Death has ensued, but it is doubtful whether the offence of Culpable Homicide has been committed—C. O. No. 9 of 6th September 1869.*]—In cases where death appears to have resulted from injuries voluntarily inflicted by the party accused, Magistrates ought to be very careful not to take it upon themselves to absolve the accused from the graver charge, and convict of hurt or grievous hurt only, unless they are quite clear that there is no sufficient evidence to warrant a commitment to the Sessions for murder, or culpable homicide not amounting to murder.

14. [*Chapter XVI, C. C. P.—Evidence of Witness who appears to be giving False Evidence to be recorded at length in the vernacular—C. O. No. 4 of 30th March 1864.*]—When, during the investigation of a complaint under Chapter XVI of the Code of Criminal Procedure, it may appear to the Magistrate that a witness is giving false evidence, so that criminal proceedings against such witness are likely to be necessary, the Magistrate will exercise a sound discretion in taking down, under section 338, at least the evidence of this particular witness at length in the manner prescribed in sections 334, 335, and 339.

15. [*Chapter XVIII, C. C. P.—Inspection of Registers of Summary Trials.—C. O. No. 1 of 11th January 1881.*]—District Magistrates should satisfy themselves from time to time that the law regarding Summary Trials is properly observed, and especially that Magistrates do not exceed their jurisdiction—a duty which may most conveniently be performed by an occasional and not infrequent examination of the Registers of Summary Trials.

16. [*Section 248, C. C. P.—Examinations of Accused Persons, Depositions, &c., how received in Evidence at a Sessions trial—C. O. No. 11 of 2nd September 1867.*]—(*a*) The "examination of the accused person," which is directed by section 248 of the Code of Criminal Procedure, "to be given in evidence at the trial," should be put in and read as part of the case for the prosecution *before the accused person is called upon to enter on his defence.*

(*b*) So also should be the examination of a Medical witness which the Court is directed (section 323) to "receive as *primâ facie* evidence;" and the examination of a witness in a case in which it "may be given in

evidence" under section 33 of the Evidence Act (if it is considered desirable on the part of the prosecution to put in such examination).

(*c*) Before examinations are received as evidence under any of these three sections, care must be taken to see that they are in proper form and duly attested, or otherwise strictly proved. And under section 33 of the Evidence Act, I of 1872, the examination cannot be given as evidence unless it is proved that the witness, whose examination it is proposed to put in, is dead, or the Court is satisfied that for sufficient cause his attendance cannot be procured.

(*d*) Such examinations when so received are to be detached from the proceedings in the preliminary enquiry and *annexed* to the RECORD of the TRIAL.

(*e*) [*Confessions to be translated—C. O. No. 4 of 10th August 1872.*]—When confessions or examinations of accused persons made before a Magistrate form part of the evidence against the persons committed for trial to the Court of Session, they should be accompanied by translations into English fairly written out.

17. [*Section 261, C. C. P.—Opinion of Assessors how to be recorded—C. O. No. 4 of 23rd June 1865.*]—The record of the opinion of each Assessor should appear at the commencement of the judgment of the Sessions Judge. It is not, in the Court's opinion, sufficient that this record should contain a mere verdict of guilty or not guilty, or proven or not proven; what the Court require is not only the result arrived at by each Assessor sitting on a Sessions trial, but, if possible, the reasons by which each Assessor arrived at that result, that is, the grounds of his opinion. While avoiding prolixity, a Sessions Judge should be careful to be intelligible and precise in recording such opinions.

18. [*Section 263, C. C. P.—Instructions as to References to High Court, when Sessions Judge disagrees with Jury—C. O. No. 2 of 23rd March 1878.*]—In cases in which the Sessions Judge has disagreed with the verdict of the Jury no delay should be permitted to occur in the submission of the records with the Sessions Judge's letter of reference. It is open to the Government Pleader, and to the pleader for the accused, to make notes of the evidence as the case proceeds. If, after the trial is concluded, copies of any part of the proceedings are required, it will be necessary that they should be made, on application, in the High Court, after receipt of the record.

19. [*Section 265, C. C. P.—Remarks on Commitments—C. O. No. 14 of 3rd December 1870.*]—As a general rule, the communication to the officers concerned of any remarks which Sessions Judges may make on commitments made to them is neither necessary nor even very desirable, and should be made in cases, the peculiar circumstances of which appear to render necessary the adoption of such a course, but need not invariably take place.

20. [*Sections 276 and 464, C. C. P.—Copies of charges, depositions, final orders, &c., exempted from Stamp-duty in the case of Appellant-prisoners—Notification, Government of India, No. 2520 of 5th April 1872.*]—(*a*) In the exercise of the powers conferred on him by section 35 of the Court Fees Act, 1870 (No. VII), the Governor General in Council is pleased to exempt from stamp-duty copies of final sentences or orders passed by Criminal Courts which parties, desirous of appealing from such sentences or orders, are required by section 416 of the Code of Criminal Procedure to file with their petition of appeal, provided that the party who is desirous of appealing is in confinement under the operation of the sentence or order at the time that he applies for a copy of the same.

(*b*) This exemption will also extend, under the same circumstances, to copies of the judgment or reasons for passing or making such sentence or order as above.

(*c*) [*Notification of Government of India, No. 996 of 6th June 1873.*]—In exercise of the power conferred by Section 35 of the Court Fees Act (VII) of 1870, the Governor General in Council is pleased to remit the fees leviable on the undermentioned documents:—

1. Copy or translation of the charge furnished to an accused person under Section 199 of the Code of Criminal Procedure;
2. Copies of depositions furnished to accused persons under Section 201 of the said Code;
3. Copy of the judgment or order passed by a Criminal Court, and of a Judge's charge to the Jury, furnished under Section 276 of the said Code to any person affected by such judgment or order, provided that such person is in jail, or the Court, for some special reason, sees fit to grant such copy free of expense;
4. Copies of the examination of witnesses given to accused persons under Section 357 of the said Code.
5. Copies of the charges given to accused persons under Section 446 of the said Code;
6. Copies of orders of maintenance given under Section 538 of the said Code.

21. [*Section 277, C. C. P.—Petitions of Appeal to be sent direct to High Court—C. O. No. 9 of 7th August 1867.*]—(*a*) Petitions of appeal against the sentences or orders of Sessions Judges, presented to Officers in charge of Jails, shall be forwarded by such Officers direct to the Registrar of the High Court of Judicature, intimation of the fact being at once given in each instance, and

in the following form, to the Judge whose sentence or order is appealed against :—

To

THE SESSIONS JUDGE OF

The undersigned begs to report for the information of the Sessions Judge that an appeal by the prisoner

against the Judge's sentence or order, dated

and noted at foot, has this day been presented to the Officer in charge of the Jail, and has been forwarded to the High Court, as required by section 277 of the Code of Criminal Procedure.

Officer in charge of the Jail.

(*b*) [*Exception—Certain petitions not to be sent to the High Court—C. O. No. 8 of 25th August 1869.*]—Petitions of appeal from prisoners should not be forwarded to the High Court in cases in which sentences or orders have already been passed by an Appellate Court on appeal (as, for example, by a Court of Session on an appeal from a conviction before the Magistrate of the District or other officer exercising the powers of a Magistrate of the 1st class), such sentences or orders being final under section 285 of the Code of Criminal Procedure.

22. [*Section 277, C. C. P.—Records of appealed cases when to be forwarded—C. O. No. 5 of 28th May 1868.*]—As a general rule, in cases in which an appeal lies to the High Court from the sentence or order of a Sessions Judge, the record shall be forwarded to the High Court by the Sessions Judge immediately on receipt of the notice of appeal directed to be forwarded to him by the Officer in charge of the Jail.

23. [*Section 285, C. C. P.—Decision on Appeal to be certified to Lower Court—C. O. No. 6 of 2nd July 1869.*]—(*a*) The Appellate Court shall in every case, except as otherwise herein provided, certify its decision to the Court or Magistrate from whose decision the appeal has been preferred, and it will be the duty of such Court or Magistrate either to issue such warrant as may be necessary in consequence of the decision of the Appellate

Court, or to inform the appellant *in writing*, through the Officer in charge of the Jail, of the result of his appeal.

(*b*) [*Explanation—C. O. No. 4 of 30th March 1878.*] —The Appellate Court should at once communicate the decision arrived at to the Court which has to carry out its order. A copy of the formal order passed and of the judgment on appeal should, however, always be attached by the Appellate Court to the record of the original Court, and returned to it therewith.

(*c*) [*Exception—C. O. No. 6 of 2nd July 1869.*]—In cases where an order passed by an Officer in charge of a Sub-division other than the Sudder Sub-division is reversed or modified on appeal, the Appellate Court shall certify its decision to the Magistrate of the District, who will issue a warrant to the Officer in charge of the Jail to give effect to the orders of the Appellate Court and will inform the Court, from whose orders the appeal was preferred, of its result.

24. [*Section 285, C. C. P.—Form for communication of result of appeal to prisoner—C. O. No. 2 of 18th March 1872.*]—The annexed form should be used for conveying information to prisoners in jail as to the result of their appeals.

List of Criminal Appeals heard by the Magistrate or Sessions Judge of on 18 .

Name of Prisoner.	Against whose order the appeal is preferred.	Order passed in appeal.	REMARKS.

MEMO.

Forwarded to the Officer in charge of the Jail for communication to the Appellants.

The COURT OF 18 . } *Sessions Judge or Magistrate.*

25. [*Section 295, C. C. P.—Subordination of District Magistrate to the Sessions Judge—C. O. No. 4 of 16th*

December 1876.]—(*a*) The Magistrate of a district must be deemed in respect of his judicial functions, and of course in this respect only, to be subordinate to the Sessions Judge.

(*b*) Sessions Judges are to be guided by, but not to go beyond, the following instructions in communications with Magistrates:—

District Magistrates are to comply with all requisitions for records, returns, and information made by Sessions Judges with regard to any case appealable to them or referable by them to the High Court, whether decided by the District Magistrate or by the other Magisterial Officers of the district, or made by Sessions Judges under the orders of the High Court in the exercise of their duty of superintendence over Subordinate Courts. District Magistrates are also to render any explanation which Sessions Judges may require from them, and to obtain and submit any explanation which Sessions Judges may require from Subordinate Magistrates, in order to assist the Appellate Courts in respect of the three classes of cases above referred to.

26. [*Section 296, C. C. P.—References in what form to be made—C. O. No. 18 of 15th July 1863.*]—(*a*) References under Section 296, Act X of 1872, shall always be accompanied by the records of the case to which they relate and by an English letter commencing "Under Section 296 Act X of 1872, I herewith transmit the record of the case noted in the margin, to be laid before the High Court, with the following report." There will then be stated—

1*st.*—A brief analysis of the case.

2*nd.*—The order recommended for revision.

3*rd.*—In what particular portion of that order the Court making the reference considers an error on a point of law to exist.

4th.—The grounds upon which, in the opinion of such Court, the order should be reversed.

(*b*) Unless there be any particular reason why delay should be avoided, the explanation of the Magistrate who passed the order should be called for and accompany the reference.

27. [*Chapter XXIII, C. C. P.—Procedure for the levy of fines—C. O. No. 8 of 22nd June 1864.*]—A warrant issued under Section 307, C. C. P., for the levy of a fine should be directed to a Police officer, and the authority issuing it should set a time for the sale and for the return of the warrant. If no one claims the property distrained, the Police have the power of selling it within the time specified in the warrant, without any previous reference to the Magistrate; if a claimant come forward, then the ownership of the property distrained must be determined by the Magistrate and not by the Police. If at any time subsequent to the return to the warrant, and within the period of six years from the passing of the sentence, the fine or any part thereof remains unpaid (section 70 of Penal Code), and the Magistrate has, from information gained in any way, reason to think that any movable property belonging to the offender is within his jurisdiction, he should issue a fresh warrant for the attachment and sale of such property. Such warrant should be made returnable within a certain time.

28. [*Chapter XXIII, C. C. P.—Form of process, sentence, and order—C. O. No. 4 of 13th March 1876.*]—(*a*) In every sentence or order made by a Criminal Court, the jurisdiction of the Judge or Magistrate making it should distinctly appear on the face thereof.

(*b*) In every process and every sentence or order (of whatever description) issued by a Judicial Officer, for whatever purpose it may be issued or made, the name of

the District and of the Court from which the same is issued, and also the name and powers of the Officer issuing or making it shall be clearly set out in such manner that it may be easily read.

(c) Judicial Officers shall in all cases take care to sign their names distinctly and legibly.

29. [*Chapter XXIII, C. C. P.—Calculation of term of sentence altered on Appeal by High Court—C. O. No. 5 of 19th December 1876.*]—Where the High Court simply modifies a sentence passed by a Sessions Judge without change of section, and where the High Court passes a new sentence by changing the conviction section or the punishment section or otherwise, the sentence finally passed shall count, unless specially otherwise directed, from the first day of imprisonment under the original sentence.

30. [*Chapter XXIII, C. C. P.—Death-warrants when to be executed—C. O. No. 2 of 5th May 1876.*]—The date named by the Sessions Court, in its warrant for the execution of a sentence of death, shall be not less than fourteen, nor more than twenty-one, days from the date of the issue of such warrant.

31. *Chapter XXIII, C. C. P.—Return of warrants—C. O. No. 34 of 19th June 1804.*]—(*a*) Every warrant should, after the execution of the sentence, be returned to the Court by which it was issued, with an endorsement certifying the manner in which such sentence has been carried into execution.

(*b*) In the case of a sentence, both for corporal punishment and imprisonment, the execution of the former part of the sentence should be endorsed on the warrant at the time of inflicting the punishment; but as the warrant in this case cannot be considered to be completely executed until the prisoner has undergone the sentence of imprisonment passed upon him, the Officer

in charge of the jail should retain the warrant until the expiration of the term of imprisonment, or, if the prisoner dies during the course of such term, return it with an endorsement to this effect.

32. [*Chapter XXIII, C. C. P.—Release-orders not to be telegraphed to Jails—C. O. No. 27 of 20th July 1878.*]—Judicial Officers are prohibited from sending by telegraph orders to Officers in charge of Jails for the release of prisoners in their custody.

33. [*Sections 331 to 341 C. C. P.—Evidence to be recorded legibly—C. O. No. 2 of 13th August 1862.*]—(*a*) Difficulty having been frequently experienced in reading the evidence of witnesses recorded under the provisions of Act X of 1872, the attention of all Criminal Officers is called to the necessity of carefully writing such evidence in a legible manner.

(*b*) In the case of trials forwarded to the High Court in which, from any cause, the evidence has been indistinctly or illegibly recorded, *copies* of such evidence should be submitted with the record of the case.

34. [*Section 355, C. C. P.—Witnesses not to be treated as criminals—C. O. No. 21 of 22nd November 1864.*]—Witnesses brought up under the 352nd and 355th sections of the Code should not be treated as criminals, but should be dealt with simply as persons arrested on civil process.

35. [*Section 457, C. C. P.—Framing of separate minor charges—C. O. No. 9 of 26th August 1878.*]—Under the provisions of section 457 of the Criminal Procedure Code of 1872, it is unnecessary to frame separate charges in respect of minor offences of the same class included in an offence of a graver character with which an accused person is charged.

36. [*Section 464. C. C. P.—Charge to the Jury need not be written before being delivered—C. M. No. 2 of 4th*

March 1875.]—(*a*) It is not necessary that the direction to the jury should be reduced to writing before delivery; but it is essential that the "Statement" (section 255, Act X of 1872) or "heads of charge" (section 464) placed upon the record should represent with absolute accuracy the substance of the charge and be such as to enable the High Court, in the event of an appeal, to see distinctly whether the case was fairly and properly placed before the jury.

(*b*) [*C. O. No. 5 of 21st September 1880.*]—Sessions Judges should, in order to assist the enquiries of the District Magistrates regarding the cause of an acquittal in the Sessions Court, set forth clearly in the judgment what, in their opinion, has led to that result.

37. [*Section 466, C. C. P.—Sanction for the prosecution of public servants—C. O. No. 20 of 4th October 1864.*]—The charges which under section 466 of the Code of Criminal Procedure cannot be entertained against the officers therein described, except under the sanction or direction of the local Government or other competent authority, relate to offences which can be committed by public servants *as such*, and which are specified in Chapter IX of the Indian Penal Code, and to no other. Offences committed against the person or property of individuals by one who happens to be a public servant are not necessarily committed by him *as such public servant*, in the sense in which those words are used in the Penal Code, and unless committed in that character, must be regarded as the acts of *individuals in their private capacity;* charges, therefore, founded on such acts do not need the sanction of Government or other competent authority aforementioned before they can be entertained by a Criminal Court, but should be dealt with in the same way as charges against individuals ordinarily are.

MISCELLANEOUS.

AFFIDAVITS.

38. [*Fee for administering oaths in Affidavits—Notification, High Court, 20th September 1878, and C. O. No. 32 of 20th September 1878.*]—(*a*) It is hereby notified that, with the sanction of His Excellency the Governor General in Council, the following charge has been introduced into all Criminal Courts subject to the Appellate Jurisdiction of the High Court, and that it will be levied from and after this date, *viz.* :—

For administering the oath of the declarant in the case of any affidavit except—

(*a*) affidavits made by process-servers regarding the manner of service of processes;

(*b*) affidavits made by any public officer in virtue of his office . . . . One rupee.

(*b*) The above fee shall be paid by means of a Court Fee Stamp of not less value than the amount above prescribed, and will, therefore, be credited to Government. These fees should be shown separately in the daily register of Court fees realised,[1] in order that it may be ascertained whether the receipts in any district are sufficient to justify the appointment of a special officer to administer oaths on affidavits.

COPIES.

39. [*Register of applications for Copies—C. O. No. 35 of 1st October 1880.*]—A register of applications for copies shall be maintained, in the following form :—

Register of applications for copies.

Serial number.	Date of publication	Name of applicant.	Number of Folios.				Date on which copy was ready for delivery.	Date on which delivery was taken.	Remarks.
			Filed with application.	Filed afterwards.	Returned unused.	Used.			
1	2	3	4	5	6	7	8	9	10

[1] *Vide* Chapter I, page 3, Rule 4.

40. [*Charges for Authenticated and Unauthenticated Copies—C. O. No. 35 of 1st October 1880.*]—(*a*) In all Criminal Courts, a uniform charge shall be made for the preparation of copies, whether authenticated or unauthenticated, at the rate of four annas per folio. This term, it is to be carefully explained to all subordinate officers, merely denominates a certain quantity of manuscript; the folio to consist of 150 words English, or of 300 words Vernacular, four figures counting as one word.

(*b*) It is intended that this charge should eventually be levied by means of an impressed stamp of four annas on each sheet of paper corresponding with the folio to be provided by the applicant for a copy. The preparation locally of special stamps for the purpose has been authorized by the Government. Some delay is, however, likely to occur in obtaining paper of the proper size and description. Till such stamps are available, sheets bearing each an impressed (non-judicial) stamp of two annas[1] will be used for the preparation of the copies. Each of these sheets is intended to contain half a folio—that is, 75 words English, or 150 words Vernacular. As there are 15 lines in each sheet, no line should contain more than 5 words English, or 10 words Vernacular.

(*c*) All copies, whether authenticated or unauthenticated, must in future, before issue, be examined by a salaried officer.[2] The copies themselves will in all cases be made by section-writers, who will be remunerated at the rate of two annas per folio.

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[1] The Superintendent of Stamps will be requested to arrange for the supply of these stamps through the usual channel, to have them enfaced with the words 'For copies," ruled and perforated.

[2] The duty of examining copies should, as a rule, be entrusted to the Head Clerk or Sherishtadar; but where this is not possible, the Judge of the Court should make any other suitable arrangement, except that the copyists must not be allowed to examine for each other.—[*C. O. (Civil) No. 8 of 29th June 1876.*]

(*d*) Half the charge of four annas per folio, levied by means of the impressed stamp, represents the payment to Government on account of the salary of examiners, cost of paper, &c.; the other half will represent the earnings of the section-writers, whose accounts will be made up monthly, and the amount due to each paid out of contingencies. These payments must be checked at the time with the upper part of each stamp, which, when the copy is ready, must be torn off each sheet, along the perforated line, and then endorsed with the copyist's name, and kept till the end of the month. Care must be taken to see that nothing in excess of half the amount realized in stamps is paid away.

(*e*) To prevent the risk of stamped slips being used more than once, the officer passing the copyist's account will, after checking it as directed, tear the slips to pieces and cause them to be burnt in his presence. A certificate that this has been done must be attached to the contingent bill on which the copyists' fees are drawn.

(*f*) To protect the interests of the Government, care must be taken to see that all copies issued from the Courts are prepared on the prescribed stamp paper; they must be written on one side of the sheet only, and must not contain more than the authorized number of words. On the other hand, care must be taken to see that applicants are not imposed upon by the copyists spreading their writing over a larger number of sheets than is necessary. By insisting on the number of lines in each sheet being uniform, control may easily be exercised in this matter, the number of words in a few of the lines in each folio being checked. The business of a copyist is (like most other occupations) one calling for skill and greatly dependent for its successful practice on experience: copyists, therefore, must possess or

acquire skill in their business, or they ought not to be retained.

(*g*) When an applicant requires his copies to be furnished on the day of application, an extra fee of one rupee[1] shall be charged on all copies so furnished, to be levied from him by a Court-fee stamp, which should be affixed to the application for the copy and be entered in the Register for Court-fee Stamps. Care, however, is to be taken that other applicants for copies do not materially suffer by the arrangement. If the granting of other copies be much delayed by this rule, an extra hand ought to be told off to furnish their copies.

(*h*) Under ordinary circumstances, the time for furnishing the copies required shall not be later than 1 P.M. of the fifth open day after the presentation of the application.

(*i*) In the case of authenticated copies, the Court-fee chargeable under the Court-fees Act should be levied by affixing the necessary stamp to the first folio of the copy.

(*j*) In the case of maps and plans, no general rule can be laid down. In each case a charge will have to be fixed with reference to the difficulty or intricacy of the work to be done. Half will be paid to the copyist, and half credited to Government on account of examination fees and cost of materials.

41. [*Copies of convictions and sentences of persons in the Military Department—C. O. No. 6 of 17th July 1871.*]—Judicial Commissioners, Sessions Judges, and Magistrates will forward to the Military Department of the Government of India a copy of the conviction and sentence in all cases in which persons serving under the Government of India in that Department are convicted in a Criminal Court.

[1] This is a fee for credit to Government, and no part of it is payable to the copyists.

42. [*Copies of Letters and Resolutions of the High Court—C. O. No. 160 of 19th April 1844.*]—(*a*) Applications made to the local authorities for copies of any letters from, or resolutions passed by, the High Court, must be referred to the Court for orders. Copies of such documents may not be granted by the local authorities.

(*b*) This rule is not to be considered to apply to the sentences of the High Court in criminal trials.

43.[1] [*Copy of Judgment of Sessions Judge, how and for what purpose obtainable by District Magistrate—C. O. No. 1 of 8th January 1864.*]—Whenever an application is made by the Magistrate of the District to the Sessions Judge for a copy of any of the proceedings before the Court of Session, the Judge shall permit a copy to be made by any person whom the Magistrate may depute for that purpose. Such copies will be granted only for the information and guidance of Magistrate and committing officers, who are not at liberty to cavil at the judgment of the Sessions Court, or enter into any discussion with the Judge upon its merits.

FORMS.

44. (*a*) [*Annual indents for Judicial Forms—C. O. No. 16 of 18th April 1879.*]—Annual indents for authorized Judicial forms must be submitted to the Superintendent of Stationery in the month of June of every year.

(*b*) [*Emergent indents for Judicial forms—C. O. No. 23 of 3rd July 1872.*]—Emergent indents can be sent in and will be complied with at any time of the year: but such indents should be sent in through the High Court.

HOLIDAYS.

45. (*a*) [*When trials can proceed on Sundays and*

[1] With this, read Rule 51 (*b*), *post*.

gazetted holidays—C. O. No. 5 of 10th January 1880.]—Without the consent of parties, and in the absence of urgent necessity, no criminal enquiry or trial shall be held on a Sunday or gazetted holiday.

(*b*) [*Dusserah and Mohurrum vacations—C. O. No. 8 of 23rd March 1838.*]—During the Dusserah and Mohurrum vacations Courts of Session must never be closed for the dispatch of criminal business, except on those days only when a total cessation from all business is necessary and usual.

(*c*) [*Criminal Courts when not to be closed—C. O. No. 1 of 28th February 1876.*]—The holidays published by the High Court[1] are for observance in the Civil Courts only; the Criminal Courts, as a rule, should not be closed on days when the public Treasuries are open. In any case, a trial commenced ought to be finished, although a native holiday intervenes; and Sessions ought not to be interrupted, and the commencement of trials postponed, except on days when native usage absolutely requires the intermission of all business.

INTESTATE PROPERTY.

46. (*a*) [*Intestate Property—Register to be kept by the Magistrate—C. O. No. 151 of 24th November 1843.*]

Register of Intestate Property (*see section 7, Regulation V of 1799*).

1	2	3	4	5	6	7	8	9
Name of thana.	Names of individuals deceased.	Description of property.	Date of arrival at the thana.	Date of arrival at the sudder station.	Date of despatch of property to the Civil Court.	Signature of the nazir.	Date of receipt given by the Civil Authority.	Remarks.

[1] Under Section 17, Act VI of 1871.

(*b*) [*Intestate Property—Estates of Military men —C. O. No. 57 of 25th April 1851.*]—The Articles of War vest the administration of the estate of a deceased officer or soldier, or person receiving public pay drawn by an officer in charge of a public department belonging to the army, in the Military authorities, whenever there may be no heir or executor of the deceased on the spot at the time of decease, thereby precluding the jurisdiction of the Civil Courts in regard to the same. Whenever any such property comes into the hands of a Magistrate, he shall, instead of forwarding it to the Judge of the district, communicate with the officer commanding the regiment, or in charge of the department to which the deceased belonged, and comply with the instructions which such authority may give regarding the disposal of it.

JUDGES AND MAGISTRATES.

47. [*Imputation of prejudice—C. O. No. 7 of 7th April 1877.*]—The accompanying copy of a despatch from the Secretary of State for India to the Government of Madras is circulated for the information and guidance of all Judges and Magistrates:—

"The memorialist was prosecuted by the Collector, and he alleges that when the Sessions Judge came to try the case, he resided at the Collector's house and was greatly prejudiced by the Collector against the memorialist. I have no doubt that the latter assertion is quite unfounded, but I think it would be well if Your Grace in Council would suggest to the Judges, through the High Court, to avoid, as far as possible, becoming the guests of those who are interested in cases, civil or criminal, which will eventually be submitted to the

Judges' decision. All possible imputation of prejudice against the weaker party will thus be avoided."

LIBRARIES.

48. [*Rules for the management of Libraries—C. O. No. 36 of 30th November 1878 and C. O. (Civil) No. 3 of 25th January 1856.*]—*1st.*—The Head Clerk of the English Office shall be appointed Librarian. He will be primarily responsible for the custody and preservation of the books composing the Office Library; but this will not relieve the Magistrate or other presiding authority from the general responsibility devolving on him as Head of the Office.

2nd.—Correct catalogues should be immediately made of the books in the Library. It might be useful to insert a column in the catalogue showing the date of receipt of each book. The catalogues should be of English paper and strongly bound for permanent record.

3rd.—Each book should have a number labelled upon it corresponding to a number in the catalogue, and, as fresh additions are made to the Library, they should be labelled and numbered in like manner. Each book should also be marked on several leaves with the Office stamp.

4th.—Whenever a book is required out of the Library by any Officer other than the Judge or Magistrate competent to require the same, the Librarian should send a receipt on a slip of paper, which the recipient will sign and return on getting the book. These receipts shall be destroyed on the book being returned to Office.

MAGISTRATES.

49. [*Magistrates to attend office regularly—C. O. No. 21 of 24th April 1829.*]—Criminal Authorities should

refrain from, and strictly interdict on the part of those subject to their authority, the objectionable practice of transacting their public business in their private residences, and not attending regularly the public cutcherries. A Magistrate can never be as accessible to the natives in his own house as in the public cutcherry; and unless there are fixed hours for transacting business in the public cutcherries, petitioners, &c., &c., will be either deterred from attending, or constantly subject to much inconvenience and expense.

RECORDS.

50. [*Records—Fly-leaf to be used—C. O. No. 3 of 21st June 1879.*]—(*a*) The annexed form of fly-leaf, or index of papers composing the record of trials, is to be used by all Criminal Courts subordinate to the High Court:—

List of papers composing the *Record.*

COURT OF THE AT

CASE NO. OF 18 .

Complainant.

Defendant.

Charge under section of

Note.—When papers are separated for destruction, the record-keeper should enter the word "*preserved*" in the last column against those retained for permanent preservation.

Page of record.	Description of papers.	Distinctive mark, if any.	Note of papers selected for permanent preservation.

(*b*) Exhibits admitted as evidence on the trial should be separately arranged in the order in which they were received by the Court, and papers which have not been so admitted or are not material, in order of date, and an index for each of these files will be prepared accordingly.

51. [*Records—Rules for their destruction—C. O. No. 20 of 20th August 1857.*]

I. Records of Sessions trials and non-bailable cases of Magistrates' Courts generally of above 14 years' date may unobjectionably be destroyed, a discretion being exercised at the same time by the Sessions Judges and Magistrates of preserving individual cases or papers on any grounds appearing to them sufficient; cases in which sentences are not expired must invariably be preserved.

II. Provided that cases in which parties accused have hitherto eluded apprehension, shall always be preserved.

III. The above Rules should be acted on from year to year, so that no accumulation may occur beyond a term of 14 years in regard of the records of non-bailable cases.

IV. In regard to the records of the Magistrate's Court, the following may be destroyed yearly, if upwards of two years old, excepting those which the Magistrate may deem it prudent to preserve in consequence of the non-arrest of particular offenders or non-realization of fines. In cases of the last description the records should be destroyed, at all events, after six years from the date of sentence :—

Security cases, if expired.

Records of bailable cases.

Records of cases under Chapter XL, Act X of 1872.

Miscellaneous cases.
Miscellaneous Rubocarees.
Miscellaneous Reports and Returns by the Nazir.
Copies of Perwannahs.
Ditto of Istahars.
Despatch Books.
Receipt Books of the Record-room.
Rough Order Books.
Witnesses' Attendance Books.

APPEALS.

Nazir's records, excepting lotbundees, accounts of money, and Ferry Ghât papers.
Miscellaneous Reports of the Jailor.
Miscellaneous Petitions.
Periodical Statement, except Register of bailable cases.
Register of Mukhtarnamahs, excepting "general" ones.
Register of Miscellaneous cases.
Ditto of Petitions.

V. In regard to cases appealed to the Sessions Court, the Sessions Court record of such cases may be periodically destroyed after a term of six years.

52. [*Records—Inspection to be annually reported. —C. O. No. 6 of 17th July 1865.*]—Mention of the state of their record-rooms should invariably be made in the Criminal Reports of Sessions Judges and Magistrates. The Court will not be satisfied with a mere cursory mention, but require a clear description of the state of each record-room, and the dates up to which the records have

been sorted or destroyed, so that it may appear without doubt that this duty has in no way been neglected.

53. [*Records—When allowed out of the custody of the officers of Court.*]—(*a*) [*C. O. No. 15 of 16th December 1875.*]—The records of decided cases shall be retained in the record-rooms of the Courts to which they pertain, or of the superior Court of the district, and shall not be allowed to pass out of the custody of the officers of such Courts, except when called for by superior judicial authority, or required for the purposes of section 137, Act X of 1877, by a Civil Court not at the same station. It is improper and inconvenient that records of the Courts of Justice should be sent to other public officers or functionaries. If a reference to their contents is required, the proper procedure is ordinarily to obtain copies of the requisite papers.

(*b*) [*C. O. No. 20 of 30th April 1879.*]—When in the course of proceedings in a Criminal Court it becomes necessary to refer to the contents of public documents deposited in other Courts, the ordinary procedure is to require copies of them to be filed. It frequently happens, however, that in the course of a criminal trial the production of an original record becomes necessary. In such cases the Court where the record is deposited shall comply with the requisition of the Court requiring its production. Sessions Judges and Magistrates making such requisitions, however, are required to state in their requisitions that the production of the original is necessary, and the reason of the necessity. If the Court receiving the requisition is of opinion that the reason given for requiring the production of an original record instead of a copy is insufficient, it should nevertheless comply with it, reporting the matter for the consideration of the High Court.

(*c*) [*C. O. No. 1 of 12th January 1877.*]—When a Divisional Commissioner requires the records of a criminal trial in order to satisfy himself whether Government should be moved to direct an appeal against an original or appellate judgment of acquittal under section 272, Criminal Procedure Code, the Sessions Judge should comply with the application.

54. [*Records—Government Pleaders to have access to the records of Sessions trials for the purposes of Medico-legal Reports.*]—(*a*) [*C. O. No. 10 of 22nd September 1869.*]—All Sessions Judges and Judicial Commissioners are to allow the Government Pleaders in their several districts to have access to their decisions in all criminal cases in which medical evidence is taken.

(*b*) [*C. O. No. 5 of 21st September 1880.*]—Sessions Judges in the Lower Provinces should give every facility to Magistrates and District Superintendents of Police for inspecting the records of cases in their Courts, and for the preparation of copies by clerks sent by the District Magistrate,—care being taken that the records are not removed from the Judge's office.

STAMPS.

55. [*Stamps—Procedure, when the genuineness of a stamp is doubted—C. O. No. 8 of 14th January 1880.*]—(*a*) When a Judicial Officer sees reason to doubt the genuineness of a stamp filed before him, the stamp should be forwarded to the Collector of the District, who will examine it, and satisfy himself, if possible, as to its character, reporting the result to the Officer sending it.

(*b.*) Care should be taken to retain an examined copy of any document bearing a stamp which may be forwarded to the Collector under the above orders.

TRANSPORTATION FOR A TERM.

56. [*Form of sentence—C. O. No. 9 of 3rd*

August 1866.]—The attention of Sessions Courts is directed to the terms of section 59 of Act XLV of 1860. The correct mode of proceeding is to sentence the offender to transportation, mentioning at the same time that, under section 59 of the Indian Penal Code, such transportation is awarded instead of imprisonment, simple or rigorous, as the case may be.

UNCOVENANTED SERVICE.

57. [*Uncovenanted Officers not to lend money—C. O. No. 186 of 25th October 1844.*]—(*a*) The rule in section 2, Regulation XXXVIII, 1793, prohibiting public officers from lending money to persons within their jurisdiction, extends to all Uncovenanted Judicial Officers.

(*b*) [*Uncovenanted Officers not to hold lands in their Districts—C. O. No. 202 of 25th April 1846.*]—No officer in Government service can be permitted to hold lands in any district in which he exercises Civil or Criminal Jurisdiction.

WHIPPING ACT VI, 1864.

58. [*Whipping—General instruction—C. O. No. 2 of 8th April 1864.*]—(*a*) Section 1 directs that, in addition to the punishments described in section 53 of the Penal Code, offenders are also liable to whipping under the provisions of the said Code, and it has been declared under the authority vested in the Lieutenant-Governor by section 311, Act X, 1872, that this punishment "shall in the case of an adult" be inflicted on the breech with a rattan[1] not exceeding half an inch in diameter. The Government further enjoins that "on all occasions precautions should be taken to prevent the blows from falling on any other part of the person."

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[1] Circular of the Government of Bengal to all Commissioners, No. 1329, dated 29th February 1864.

(*b*) Particular care should be taken in marking the distinction between sections 2, 3, 4. By section 2 it is enacted that for certain specified offences[1] whipping may be administered *in lieu* of any punishment to which the convict may, for any of those offences, be liable under the Indian Penal Code, whereas, by section 3, it is enacted that if he has been previously convicted under the Penal Code of any of those offences, and shall again be convicted of the *same* offence, he may be punished with whipping *in lieu of* or *in addition to*, any other punishment to which he may for such offence be liable under that Code.

(*c*) By section 4, however, it is enacted that, whoever having been *previously* convicted of any of the offences specified in this section of the Act shall be *again* convicted of the *same* offence, may be punished with whipping *in addition* to any other punishment to which he may be liable under the Indian Penal Code.

(*d*) The punishment of whipping under section 2 can be imposed only on conviction of any of the offences therein specified, if the offence have been committed subsequently to the 18th February 1864, the date on which Act VI of 1864 became law.

(*e*) It should be remarked that under sections 3 and 4, both the convictions must be for the *same* offence, which must be one of the offences specified in sections 2 and 4 respectively, in order to render the offender liable to whipping in lieu of, or in addition to, any other punishment, and that under section 4, the punishment of whipping *cannot* be inflicted in lieu of any other punishment, but may be inflicted only in *addition* to such punishment. Sessions Judges should bear in mind that, under section 7, no person who may be

[1] To which may be added offences under section 14, Act III of 1880.

sentenced to death or to transportation; or to penal servitude, or to imprisonment *for more than five years*, can be punished with whipping.

(*f*) Section 5 provides for the whipping of juvenile offenders[1] convicted of any offence which is not punishable by the Indian Penal Code with death. It should be observed that the punishment of whipping must in such case be administered only *in lieu* of any other punishment; that it may be inflicted for a first or any other offence, but that, as remarked in para. 5, with reference to offences falling under section 2 the offence must have been committed subsequently to the 18th February 1864, the date of the passing of Act VI of 1864. The whipping of juveniles, as is by section 311 of Act X of 1872 declared, shall be "inflicted in the way of school discipline with a light rattan."

(*g*) Section 6 provides for exceptional cases not of general application.

(*h*) Under section 7 no female can be punished with whipping. The latter part of this section, which would apply only to Sessions Judges, has already been noticed.

(*i*) It has been already pointed out that the Lieutenant-Governor has, under the power vested in him by section 311 of Act X of 1872, declared that a rattan not exceeding half an inch in diameter shall be employed in the whipping of adults and the punishment inflicted on the breech. It therefore only remains to remark that the maximum of punishment is 30 stripes; that the whipping must be inflicted in the presence of a Justice of the Peace or a Magistrate of any grade; and that, unless the Court shall otherwise order, a Medical Officer must always be present.

[1] *i. e.*, offenders under 16 years of age (section 311, Act X of 1872).

(*j*) In connection with this last provision of the law, all officers are reminded that the Governor General in Council considers that the precaution of having a Medical Officer present at the time of the infliction of the punishment should be observed in every instance when practicable.

(*k*) Particular attention should be directed to section 312, C. C. P., which prohibits the execution of a sentence of whipping when the offender is not in a fit state of health to undergo that punishment, and further prohibits the infliction of whipping by instalments.

(*l*) The Court expect that great care and proper moderation will be exhibited by all officers in exercising the powers vested in them by Act VI of 1864, and that, after this full explanation of its provisions, no irregularities will occur in carrying them into practice.[1]

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[1] An appeal lies against sentences of whipping passed by Magistrates of the second class, but if awarded in lieu of any other punishment, the sentence should be carried into execution without delay. The effect of the appeal will be to ascertain the correctness of a sentence already carried out, and not to bring under review the sentence itself with a view to its revision.—(*Cal. H. C. 314, 1864.*)

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OF THE

HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

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